

THE 11<sup>th</sup> Gal. C &  
HISTORY and PROCEEDINGS  
OF THE  
House of Commons  
FROM THE  
**RESTORATION**  
TO THE  
**PRESENT TIME.**

CONTAINING

The most remarkable MOTIONS, SPEECHES, RESOLVES, REPORTS and CONFERENCES, to be met with in that Interval :

AS ALSO

The most exact ESTIMATES of the Charge of Government ; State of the PUBLIC REVENUE ; the Rise and Growth of the NATIONAL DEBT, Expence of the WAR, Proceedings on WAYS and MEANS, SPEECHES and MESSAGES from the Throne, ADDRESSES, and REMONSTRANCES, also the Numbers *Pro* and *Con* upon every Division, &c. Many of which Curious Particulars were never before printed.

Collected from the best AUTHORITIES,

Compared with the JOURNALS of the House ;

And illustrated with a great Variety of HISTORICAL and EXPLANATORY NOTES.

Together with a large APPENDIX,  
CONTAINING

Exact Lists of every PARLIAMENT, the Names of the SPEAKERS, their several Posts under the Government ; and other valuable, Supplemental Pieces.

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V O L. XII.

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L O N D O N :

Printed for RICHARD CHANDLER, and sold at the Ship without Temple-Bar, and at York and Scarborough, 1742.

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VOL. II.

LONDON:

Printed for Richard GARDNER, at the Sign of the Ship, in St. Paul's Church-yard, 1742.

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**S P E E C H E S**  
**A N D**  
**D E B A T E S**  
**I N T H E**  
*House of Commons.*

**D U R I N G**  
**The Seventh Session of the Eighth**  
**Parliament of Great Britain.**

*November 18, 1740.*



IS Majesty came to the House of Peers in the usual State, and opened the Session with a most gracious Speech from the Throne, acquainting his Parliament, That strong Squadrons were got ready, and ordered to sail upon important Services, both in the West-Indies and Europe, with as much Expedition as the Nature of those Services, and the Manning of the Ships would admit: That a very considerable Body of Land-Forces was embarked, which is to be joined by a great Number of his Subjects raised in America. And all Things necessary for transporting the Troops from hence, and carrying on the designed Expedition, were a long time in Readiness, and

Anno 14, Geo II. 1740.  
 Abstract of the King's Speech.

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x

Anno 14, Geo  
II. 1740.

waited only for an Opportunity to pursue the intended Voyage. That the several Incidents, which have happened in the mean time, have had no Effect upon him, but to confirm him in his Resolutions, and to determine him to add Strength to his Armaments, &c. That the Court of Spain having already felt some Effects of our Resentment, began to be sensible, that they should be no longer able, alone, to defend themselves against the Efforts of the British Nation. And, if any other Power, agreeable to some late extraordinary Proceedings, should interpose, and attempt to prescribe or limit the Operations of War against his declared Enemies, the Honour and Interest of his Crown and Kingdoms must call upon us to lose no Time, in putting ourselves into such a Condition, as may enable us to repel any Insults, and to frustrate any Designs formed against us, &c. That the Death of the late Emperor opens a new Scene in the Affairs of Europe. And that it was impossible to determine what Turn the Policy, Interest, or Ambition of the several Courts may lead them to take in this critical Conjunction. That it shall be his Care to observe their Motions, and to adhere to the Engagements he is under, to maintain the Balance of Power, and the Liberties of Europe, &c. That he had ordered Estimates for the Service of the ensuing Year to be prepared, and laid before them. That some Augmentations will be necessary, not only for carrying on the present War with Vigour, but also to put ourselves in a Condition of being prepared for such Events, as may arise in this uncertain State of Europe, &c. That the Scarcity of Corn, which has happened in many Countries, had induced several Powers to make extraordinary Provisions, to obviate the ill Effects of that Misfortune: That though in many Parts of this Kingdom, the Harvest has proved more favourable, yet common Prudence calls upon us to provide against the Approach of such a Calamity. He therefore earnestly recommended it to them, to consider of some good Law, to prevent this growing Mischief. He also recommended to them, a Bill for the more speedy Manning the Fleet in time of War, &c.

An Address  
voted.

Whereupon the Commons resolved, That an humble Address be presented to his Majesty, to congratulate him on his safe Return to these his regal Dominions, &c. And to assure his Majesty, that this House will stand by and support him, against all Attempts made in Violation of the Faith of Treaties, &c. And a Committee was appointed to draw up an Address agreeable thereto, &c.

It was moved, humbly to address his Majesty, That he would

would be pleased to order an Account to be laid before them, in what Manner the Sums granted last Session for the Service of the present Year had been disposed of, which after Debate passed in the Negative; Ayes 157, Noes 226.

Anno 14, Geo.  
II. 1749.

Negative on a Motion for an Address for an Account of the Sum granted last Session.

The 19th. Resolved, that this House will receive no Petition for private Bills after the 21st Day of January next.

Ordered, That the House be called over on the fourth of December.

The 20th. The House went in a Body to address his Majesty.

Mr. Speaker reported his Majesty's Answer to their Address of Yesterday.

Read a first Time, a Bill to prohibit for a limited Time the Exportation of Corn, and other Provisions out of Great Britain, Ireland, and his Majesty's Plantations in America.

A Motion was made, and the Question put, that the said Bill be printed, which passed in the Negative.

The 24. Received the Report of last Friday's Resolution. And resolved, *Nemine contradicente*, that a Supply be granted to his Majesty.

Ordered an Estimate of the Ordinary of the Navy Guards, Garrisons, Land Forces, &c. to be laid before them.

Ordered, That the Bill to prohibit the Exportation of Corn, &c. be read a second Time to-morrow; on a Division, Ayes 84, Noes 58.

Ordered an Account how the Monies granted last Session have been disposed of, to be laid before them.

The 25th. Resolved, *Nemine contradicente*, That the Thanks of this House be given to Vice-Admiral Vernon, for the Services he has done to his King and Country in the West-Indies.

Thanks given to Admiral Vernon.

Resolved, *Nemine contradicente*, That his Majesty be addressed to order an Embargo to be forthwith laid upon all Ships laden with Corn, Grain, Starch, Rice, Beef, Pork, and other Provisions, to be exported to foreign Parts.

An Address for an Embargo on Provisions.

Read a second Time the Bill to prohibit the Exportation of Corn, &c. And after Debate committed it for this Day se'en-night.

Received a Petition of Richard Partridge, Agent for Pensylvania, and also Agent for New-Jersey, against the Corn Bill, which was referred to the said Committee.

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\* This Motion was then rejected as irregular; but afterwards an Address of the same Nature was presented to his Majesty.

Anno 14 Geo  
II. 1740.

List of the  
Navy, &c.  
called for.

The 26th. Received a Petition of the Merchants of London, against the Bill for prohibiting the Exportation of Corn, &c. referred to the Committee.

Ordered, That the proper Officer do lay before this House a List of the Navy, as it stood on the 29th of September, 1739. With an Account of how many have been lost, decayed or rebuilt, and what remain.

Also a List of the Navy as it stood on the 18th Instant.

Also an Account of what Ships have been employed from June 1st, 1739, to November 1st, 1740. as Cruisers or Convoys, with their Continuance thereon, and the Success they have met with, distinguishing each Ship taken or retaken from the Enemy.

Resolved to address his Majesty for Copies of all Applications which have been made to the Admiralty, &c. for Cruisers to be appointed for Protection of our Trade.

Resolved to address his Majesty for an Account of all Orders given since February 1st, 1737. relating to the fitting out, and sailing of any of his Majesty's Squadrons, with the Dates of such Orders, &c.

Ordered, An Account of all Orders given for raising and embarking Land-Forces and Marines for the Lord Cathcart's Expedition to America, &c. to be laid before them.

Resolved, That his Majesty be addressed for Copies of all Letters relating to a Supply of Ships, Men, Stores, Ammunition, &c. written to, or received from Vice Admiral Vernon, by either of the Secretaries of State, the Commissioners of the Admiralty, or the Navy. As also for an Account of what Stores, Ammunition, &c. were contracted for, and sent to the said Admiral at Jamaica.

Resolved, That his Majesty be addressed for Copies of all Letters that have been written, or Representations made to the Commissioners of the Admiralty, relating to Stores, Provisions, &c. for the Use of the Fleet lately under the Command of Sir John Norris.

Ordered, That Copies of the monthly Returns of Seamen, with the Number of the Sick, what died, or deserted, and what cured since the 10th of July, 1736. be laid before them.

Ordered, An Account to be laid before them, of what Stores, Ammunition, Provisions, &c. were sent with, or have been sent to Rear-Admiral Haddock. And also Copies of all Letters, as relate to a Supply of Ships, Men, Stores, &c. written to, or received from Rear-Admiral Haddock, &c.

The 27th. Resolved, That his Majesty be addressed for Copies

Copies of all Papers relating to the opening of a Trade Anno 14 Geo. third<sup>d</sup> Russia to Persia, &c. II. 1740.

Received the Report of Yesterday's Resolution on the Supply, viz. Resolved, That 40,000 Men be employed for Sea-Service for 1741. And that 4s. per Man per Month be allowed for maintaining them, including the Ordnance for Sea-Service. And agreed to the same. 40000 Seamen voted.

The 28th. In a grand Committee on Ways and Means, resolved, That 4s. in the Pound be granted to his Majesty, upon Lands, Tenements, Hereditaments, Pensions, Offices, and personal Estates in England, Wales, and the Town of Berwick upon Tweed, for the Service of the Year 1741. And a 4s. Land-Tax.

Dec. 1. Agreed to the Report of the above Resolution; and ordered in a Bill accordingly.

Received several Petitions from the Agents of America, and South-Carolina, against the Corn-Bill.

Read a first time the Land Tax Bill; after which Mr. Thompson complained of a printed Paper he had received at the Door, which was read as follows:

*Considerations upon the Embargo on Provision of Victual.*

It is to be considered, whether the Interest of Contractors for Provisions for the Public, was not the Motive which first started the Notion of an Embargo upon Victual, and whether the same Interest be not now a grand, tho' secret Motive of its Continuance \*. These Contractors, being very sensible, that the Demand Abroad, for Irish and English Beef, must greatly enhance the Price, and that there was no way for them to keep it down, but by endeavouring to confine these Commodities to their own Market, had Address to effect their End in Part, by obtaining the Embargo in Ireland, which they have good Reason to labour to have continued there, and farther extended: For thus they will become absolute Masters over a great Part of the Land-holders

\* The House may have a very curious and surprising Knowledge of this Transaction, by ordering the proper Officers to lay before them the Contracts made in the Years 1739 and 1740 by the Victualling-Office, together with the Papers and Applications which relate to this Affair, as far as it concerns the Irish Provisions, delivered or made to the said Commissioners for Victualling, the Lords of the Admiralty, and some other Offices. Which, if fairly obtained, will enable the House to judge, whether a Care and Tenderneſs to two Contractors have not plainly been the sole and true Cause (whatever popular Pretences are thrown out) of all the severe Measures, with respect to Trade, already ruinously executed upon Ireland, and now projected for the whole Nation.

Anno 14. Geo  
II. 1740.



1740. 1740.

holders in England, as they have been for some time over above half the Landholders of Ireland, who are obliged to sell at the Price they please to give; the exported Produce of that Country, in the Cattle-Trade, being near 600,000l. per Annum, exclusive of any Commodity derived from Sheep, and the whole Value of the Export of that Kingdom, not exceeding 1,000,000l. which are Facts extremely certain, and taken from the Books of the Customs there upon a parliamentary Inspection,

It is to be considered, whether any great Men were induced to favour this Scheme from any private Advantages which they were to receive from the Contractors, in Consideration of it; and it ought to be understood, that this is the fairest Opportunity for the greatest Money-Job, that may ever offer again to any Man in Power.

It ought to be farther considered, when the Bill offered to Parliament for regulating this Affair shall be examined, whether the Hopes of extraordinary and partial Powers to be granted to the Crown by it, might not be a principal Reason for insinuating the Necessity of this Measure, especially at this Conjunction, when a new Parliament is to be shortly called.

It should be observed, what Industry was used in the public Papers, to prepare and prejudice the Minds of the People in favour of an Embargo, particularly with respect to the Irish Beef: And whether this does not seem to have proceeded rather from the Spirit of private Interest, than a Zeal for the public Good, especially as the latter End was ill answered, by alarming our Enemies with the Apprehension of an approaching Prohibition, and could tend only to hasten them in making their Provision before they were prevented.

It is to be considered, what can be the Reasons or Views of a certain Gentleman in pressing to do that by Act of Parliament, which by the known Constitution of the Kingdom may be done, and has been done by an allowed Prerogative.

It is to be considered, why Ireland is to be mentioned by the Bill, since the Prerogative has already had in that Country a full Effect without a Bill; and whether the doing this by an English Law, being unnecessary, will not create Discontents there, which had better be avoided, especially at this Conjunction.

It is to be considered, why Ireland, which has the same *Magna Charta* and Common Law with England, should be subjected to an Embargo by Prerogative, if that Embargo

was

was illegal; and if it was not illegal, why England was not  
 subjected to it at the same time. Anno 14, Geo.  
 II. 1740

It is to be considered, why that Embargo upon Ireland  
 was laid upon the whole Trade, to the immense Damage of  
 that Country, notwithstanding the Relaxation of it in some  
 Instances: And whether the doing it in that way, did not  
 evidently tend to create servile Applications, great Loss of  
 Time and Opportunities, great Dependence upon Men in  
 Power, and possibly great Corruption. And whether it is  
 not an Absurdity to suppose the Prerogative sufficient to  
 exercise a general Embargo upon the whole Trade, and  
 insufficient to do it upon a few Branches only.

It is to be considered, that the Embargo in Ireland was laid  
 at a Conjunction above all others fatal; the Rents of that  
 Country being chiefly made during the Slaughter-Season,  
 which is in the Months of October, November, and De-  
 cember.

It is to be considered, why the Embargo was laid after the  
 French and Spanish Fleets were sailed, and if necessary at  
 all, why not before?

It is to be considered, whether it can be supposed that the  
 provident Administration of France and Spain would have  
 hazarded the Success of so great a Design, and the Loss of  
 so great an Armament, to an Event which they knew to be  
 so much in our Power, as the Embargo on Irish Beef.  
 Whether therefore it could be reasonably supposed, that this  
 Measure, which has been talked up as so important, could  
 have taken any strong Effect.

It is to be considered, whether any Man can with any  
 Appearance of Reason suggest, that this Embargo could  
 have had any better Effect, than to occasion some Distress  
 among the French and Spanish Forces, to oblige them to be  
 contented with a more spare and less agreeable Diet, or to be  
 at some greater Expence to procure Provision; and whether  
 any Man can be so sanguine to believe, that we shall render  
 them unfit for Action and Service by this means.

It is to be considered, whether if they are still fit for Ac-  
 tion and Service, the Degree of Distress we shall create to  
 them will be of any Advantage to justify so extraordinary a  
 Measure; and whether, when it is rightly understood by the  
 Public, they can think it sufficient to balance the extravagant  
 Loss it will occasion to Ireland and to our own Colonies.

It is to be considered, what this Loss will be, whether it  
 will not occasion a total Stagnation of Trade in some of our  
 Colonies: Whether Provisions exported from Ireland are  
 not annually worth 600,000*l.* and whether it be possible  
 that any Remedy can be applied to the Distress of that  
 Nation,

Anno 14. Geo. Nation, occasioned by this Embargo, when half the Beef  
 II. 1740. they export is of so bad a kind, that no People can consume  
 it but the French; and consequently that if England were  
 ever so willing to relieve Ireland, she cannot buy that Pro-  
 duct.

It is to be considered, how unequally this Blow must fall,  
 and that this Loss will lie in a manner wholly upon one  
 fourth Part of Ireland, above three Fourths of the exported  
 Beef, &c. arising from the Province of Munster only.

It is to be considered, what a deplorable Ruin must at-  
 tend the fourth Part of any Country, by a certain annual  
 Loss of at least 300,000l. when the Rents of that whole  
 Country amount to but 1,700,000l.

It is to be considered, whole Loss this in the End will be;  
 and whether it will not be the Loss of England: Since it is  
 demonstrable, that England gets all the Balance of the Trade  
 of Ireland, as appears from hence, that the current Species  
 of Ireland is certainly not augmented for twenty Years  
 past, tho' the Balance of Trade is known to be more than  
 400,000l. per Annum in her favour.

It is to be considered, whether the Growth of Wool, and  
 the Woollen-Manufactures of Ireland, if they are so pre-  
 judicial to the Woollen-Trade of England, as some would  
 popularly suggest, will not be enlarged to the Prejudice of  
 England, by driving the Irish out of a Trade, which now  
 employs so great a Portion of their Land.

It is to be considered, what was the Practice of this  
 Nation in all our former Wars, and upon what Motives it  
 was, that in the Reign of King Charles II. in 1667, when  
 England was at War with Holland, France and Denmark,  
 at a Period when the Prejudices against Ireland first had  
 Rise, and were most violent; it was resolved by the Coun-  
 cil of England, that the Irish should export their Beef and  
 Provisions to the Enemy, in Pursuance of which Resolution  
 a Proclamation from the Lord Lieutenant of that Kingdom  
 was then issued to that Purpose.

It is to be considered likewise, upon what Motives, in the  
 Wars of King William and Queen Anne with France, the  
 same Indulgence was shewn to Ireland, and their Exporta-  
 tion privately encouraged by the Government of England,  
 notwithstanding any general Embargoes laid by Act of Par-  
 liament.

It is to be considered, whether the Dutch, the wisest Na-  
 tion in the World with respect to Commerce, ever thought  
 it advisable to refuse to supply their Enemies with any  
 Commodity whatever.

It is to be considered, now the Scarcity of Grass and Hay Anno 14, Geo. II. 1740. is so excessive, what can be done with our Cattle if they are not exported; and whether it be better that they should perish at Home, than be sold to our Enemies.

It is to be considered, whether Money be not the Sinew of War; and whether to deny ourselves the Profit of a very advantageous Trade be a natural way to prove successful against our Enemies.

It is to be considered, whether one of the Calamities of War is not the Interruption of our Commerce.

Whether to render this greater than it must necessarily be, can deserve the Encomiums which a certain Person and his Adherents bestow upon this Measure.

Whether one of the most valuable Circumstances of Admiral Vernon's glorious Demolition of Porto-Bello had not been thought, by all knowing Men, to be the Opening of that Coast to our Merchants, and the Means thereby given to supply the Spanish-America with Commodities of this Country.

Whether there is any Maxim so solid, and so incapable of being contraverted with respect to Trade, as that it ought never to be restrained.

Whether the eternal Consequence of Restriction in Commerce has not been the Diversion of it into a new Channel.

Whether the Restraint upon the Exportation of Iron, laid by Sweden some Years ago, has been ever recovered by Sweden, and whether Spain was not an immense Gainer by it.

Whether the Restraint upon the Irish-Trade in Cattle, imposed by England, did not throw the Beef Trade into Ireland, and give it to that very Country, which was imprudently designed to be excluded from it.

Whether the Prohibition of the Irish to carry on the Woollen Manufacture, did not throw the Woollen Trade as well out of their Hands as ours, and establish the same in all Parts of Europe.

Whether any Folly be more exploded, if fatal and general Experience can explode a Folly, than the Supposition, that any Nation can exclude the rest of the World from any Branch of Commerce.

Whether it can be supposed that Providence has been so severe upon any Country, as to put it in the Power of another to starve her Inhabitants.

It is to be considered, whether it is possible to conceive, that any Nation abounding in Wealth, can fail to be supplied with Necessaries for Money.

Anno 14, Geo.  
II. 1740.



It is to be considered, whether Denmark, Jutland, Holstein, and other Places in the Baltic, which now export great Quantities of Live Cattle, may not salt their Beef, and supply France and Spain with it; and whether they will not keep that Trade when they have once experienced the Advantage of it.

It is to be considered, whether Hungary, Flanders, and France itself, may not upon Encouragement supply a Part.

It is to be considered, whether the Forests of France and Germany may not supply great Quantities of Pork; and whether that Provision will not answer the End of Beef.

It is to be considered, whether Holland may not supply vast Quantities, particularly of Pork, from Germany, by means of the navigable Rivers which flow from thence thro' that Country.

It is to be considered, what Effect the Lucre of this Branch of Trade may have upon the Councils of those Nations which may gain it from us: And whether France may not acquire a dangerous Influence over some of our best Allies by that Event.

It is to be considered, nay, it is to be known, that there is a Method of salting and curing Cattle in the very hottest Latitudes, and under the Line itself, tho' the Secret is as yet in few Hands; and whether Necessity and Money will not open that Secret to France and Spain.

It is to be considered, whether in all such Cases, many Places for Supply and Means of it may not be found, which no present Foresight can suggest.

Whether a very hard Season, and a Dearth of Grain Abroad, is not by all thinking Men apprehended as a fatal Incident to England, tho' she is not herself a present Sufferer by it, and may be an immediate Gainer by the Exportation of greater Quantities of Corn; since the Alarm it gives to foreign Nations, tends to put them upon Measures for enlarging their Tillage, and finding Means to supply themselves at Home with Grain, which France has lately done, by founding a Company, and giving great Advantages and Premiums for raising Rice in that Country.

Whether therefore it may be thought adviseable to urge this Distress in any kind; and whether it is not adding an Incentive to their Endeavours in this way.

Whether from this just Consideration, all Embargoes, or other Difficulties upon Exportation, are not in the nature of the Thing injurious and absurd.

Whether it is beneath a Man of Sense, upon better Consideration, to reject Opinions; however warmly he may have espoused

espoused them, before the State of the Question had been thoroughly canvassed. Anno 14 Geo. II. 1740.

Whether, therefore, there may not be great Hope, that the Act relating to the Embargo will never pass.

And if it should pass, 1. That it may relate to Corn only; a Restraint upon which seems to be justified for the present, by no other Reason but the great Want of it at Home, which our late ill Seasons threaten.

2. That it should not extend either to Ireland, or the Plantations, who will be infallibly distressed beyond Example, and almost to utter Ruin by it.

3. That if it must pass, it should be general as to every distinct Species, to avoid Partiality, and Increase of Ministerial Power.

4. That it should be in the Power of the Crown to relieve it in any one Branch of Exportation, provided the Relief or the Restraint be general as to the particular Branch; because it may be necessary to prevent the Exportation of Corn, and at the same time fatal to hinder that of other Provisions.

5. That Care be taken to allow the Export of Corn to Ireland; either from the Plantations or England; without which Ireland, which does not grow Corn enough for her Home Consumption, and is now in great Distress from the Loss of Potatoes by the Frost, may greatly suffer by Famine; especially if this Winter should be attended with more severe Weather.

Upon the whole, it is to be hoped that Men in Power, if they should be convinced, by these Considerations, that they have not deserved the Applause which has been rashly given to this Measure, and that it is really destructive and dangerous, will be generous enough to resign their Pretensions to this Glory, rather than sacrifice the Trade and Interest of these Dominions, by maintaining their first Opinion.

P. S. It is actually now known, that the French have contracted already for an annual Supply of 6000 Tons, or 60,000 Barrels of Beef from Jutland, at the Rate of 200 Weight per Barrel, which is within 20,000 Barrels of the greatest Quantity ever taken by them from Ireland in Times of Peace. So that in all Probability an irrecoverable Blow is already given to that Branch of Trade; and they have actually contracted with Holland for a farther Quantity.

Certain Advices are received, that the French Fleets are actually arrived in America; which may serve sufficiently to evince, that some Persons have boasted too much of their Sagacity in imposing the Embargo: The great, and indeed

Anno 14. Geo.  
II. 1740.

indeed only plausible Pretence for it, being to prevent their Navigation thither at this critical Conjunction, which it was confidently affirmed it would effect.

This was foretold at a Time when the Prejudices, in favour of an Embargo, were too strong to admit Credit to that Suggestion. It is to be wished, that the farther Prophecy contained in this Paper may not likewise be most fatally accomplished.

Mr. Thompson.

SIR,

Mr. Thompson,  
Esq;

‘ The Crime of exasperating the People against their Governors, of raising Discontent, and exciting Murmurs in a Time of general Danger, and of attempting to represent wise and salutary Measures, which have received the Approbation of the whole Legislature, as mean Artifices, contrived only to raise the Fortunes of some Favourites of the Minister, and aggrandize the Officers of State by the Miseries of the People, is a Crime too enormous to require or admit any Aggravation from Rhetoric, and too dangerous to hope for any Excuse from Candour and Lenity.

‘ To read or hear this Paper is sufficient for a full Conviction of its pernicious Tendency, and of the Malice of its Author; a Charge not fixed upon particular Expressions capable of a doubtful Meaning, and which Heat and Inadvertency might casually have produced, but supported by the general Design of the whole Paper, and the continued Tenor of the Argument, which is evidently intended to shew that an Act of Government, which cannot but appear necessary and seasonable in the present State of our Affairs, an Act ratified by the Concurrence of all the Powers of the Legislature, is nothing but a Scheme of Avarice to grow rich by Oppression.

‘ Nor is this scandalous Libel written with more Confidence and Insolence than it is dispersed. Not content, Sir, with villifying the Proceedings of the State, the Author has industriously published his Calumny at our Door; the Time has been when Defamation skulked in Secret, and Calumnies against the Government were dispersed by Whispers or private Communication; but this Writer adds Insults to his Injuries, and at once reproaches and defies us.

‘ I beg leave to move therefore, that the House do censure this Paper as “ a malicious and scandalous Libel, highly and injuriously reflecting upon a just and wise Act of his Majesty’s Government, and also upon the Proceedings of both Houses of Parliament; and tending to create Jealousies

in the Minds of the People. I also move, that the Author <sup>Annora Geo</sup> may be ordered to attend, to be examined at our Bar." <sup>II. 1740.</sup>

[This was unanimously agreed to by the House. The Door-keeper was called in, and being shewn the Paper, was asked from whom he received it? Who answered, that he believed the Person, who delivered it to him, was then detained in one of the Committee Rooms; upon which he was ordered to look for, and fetch him to the Bar. Mr. Sandys taking notice, that the Person was already in Custody, said, that he should be glad to know by what Authority. It was not reasonable to punish first, and judge afterwards.

Upon which Sir William Yonge replied, ' That he had caused him to be detained, in order to know the Pleasure of the House; and that he thought it his Duty to secure so enormous an Offender from escaping.'

Soon after the Door-keeper brought the Man in, when he declared, upon Examination, his Name, and his Profession, which was that of a Scrivener, and owned, with great Openness, that he was the Author of the Paper. He was then asked, who was the Printer, and answered, that he printed it himself. Which he explained afterwards, by saying, that as he had carried it to the Printer's, he might be said, in the general Acceptation of the Term, as applied to an Author, to be the Printer; he then discovered the Printer, and was asked, where was the original Manuscript, which he said he had destroyed, as he did any other useless Paper.

It having been observed by some of the Members, that it was printed in one of the Daily Papers, he was asked, who carried it thither? And answered, that he carried it himself. It was then demanded, what he gave for having it inserted, and he answered, that he gave nothing.

After many Questions, Mr. H. Archer desired that he might be asked, Whether on the Friday before he was not in the Gallery? At which some of the Members expressed their Disapprobation, and the Man being ordered to withdraw, the following Debate ensued upon the Propriety of the Question.]

Samuel Sandys, Esq;

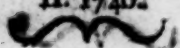
SIR,

' Those who are entrusted by their Country with the <sup>Sam. Sandys,</sup> Authority of making Laws, ought undoubtedly to observe <sup>Esq;</sup> them with the utmost Circumspection, lest they should defeat their own Endeavours, and invalidate by their Example their own Decrees.

' There

Anno 14, Gen.

II. 1740.



‘ There is no Part, Sir, of our Civil Constitution more sacred, none that has been more revered by those that have trampled upon other Forms of Justice, and wantoned in Oppression without Restraint, than that Privilege by which every Briton is exempted from the Necessity of accusing himself, and by which he is entitled to refuse an Answer to any Question which may be asked, with a View to draw from him a Confession of an Offence, which cannot be proved.

‘ Whether this great Privilege, Sir, is not violated; whether the unalienable Right of a free Subject is not infringed, by the Question put to the Person at our Bar, the House must decide. The Punishment to which Intruders are subject by the Orders of this House, proves that his Presence in the House is considered as a Crime, of which, as we have no Proof of it, a Confession ought not to be extorted by an artful and insidious Question, of which he may not discover the Intention, or the Consequence. Such Treatment, Sir, is rather to be expected by Slaves in the Inquisition of Spain, than a Briton at the Bar of this House; a House instituted to preserve Liberty, and to restrain Injustice and Oppression.

Mr. Campbell.

SIR,

Mr. Campbell.

‘ I cannot but concur with the Opinion of the Honourable Gentleman, that in requiring an Answer to this Question we shall expose a Man to a Punishment against whom we have no Evidence but what is extorted from himself; and consequently no Knowledge of his Crime upon which we can proceed to inflict Censures or Penalties, without the manifest Infraction of our Constitution.

‘ It cannot be imagined, Sir, that he intends to confess himself guilty of a Crime of which no Proof has been brought, or that he will voluntarily subject himself to Punishments. It must therefore follow, that he is intrapped in his Examination by an Artifice, which, I hope, will never find any Countenance in this House.’

Mr. Winnington.

SIR,

Mr. Winnington.

‘ It is not impossible that the Honourable Gentlemen having not lately look’d into the Orders of the House, may mistake the Tendency of the Question, I therefore move, that the Order may be read.’

[ The Order being read by the Clerk, he proceeded. ]

‘ It

‘ It is evident, Sir, that by the Order now read, the Sergeant at Arms, attending on this House, may take into Custody all Strangers that shall be found in the House or Gallery while we are assembled; and that this Order is not always put in Practice, must be attributed to the Lenity of the House. But that this Order extends to past Offences, and subjects any Man to Imprisonment for having been present in some former Day, cannot be conceived. For how far may such a Retrospect be extended? Or at what Time, after having intruded into the House, can any Man presume to consider himself as exempt from the Danger of Imprisonment? Anno 14 Geo. II 1740

‘ Our Order, Sir, only decrees present Punishment for present Offences, and therefore, the Question asked by the Honourable Gentleman may be insisted on without Scruple, and answered without Hazard. Let then the Honourable Gentlemen reserve their laudable Zeal for our Constitution till it shall be invaded by more important Occasions.’

Samuel Sandys, Esq;

SIR,

‘ What Victory the Honourable Gentleman imagines himself to have gained, or whence proceeds all his Wantonness of Exultation, I am not able to discover. The Question only relates to the Interpretation of one of our own Orders, and is therefore not of the highest Importance; nor can his Success in so trivial a Debate entitle him to great Applause from others, or produce in a Person of his Abilities, any uncommon Satisfaction to himself. Sam. Sandys, Esq;

‘ But whatever may be the Pleasure of the Victory, it must at least be gained before it can be celebrated; and it is by no Means evident that he has yet any Reason to assure himself of Conquest.

‘ His Interpretation, Sir, of the Order, which he has so confidently laid before the House, seems to me to have no Foundation in Reason or Justice; for if it be an Offence against the House to be present at our Consultations, and that Offence be justly punishable, why should any Man be exempt from a just Censure by an accidental Escape? Or what makes the Difference between this Crime and any other, that this alone must be immediately punished, or immediately obliterated; and that a lucky Flight is equivalent to Innocence?

‘ It is surely, Sir, more rational to believe, that the House may punish any Breach of its Orders at a distant Time; that if our Censure is once eluded, it may be afterwards enforced; and, therefore, that the Question put to the Person at the Bar ought not to be asked, because it cannot safely be answered.’

William

Ann. 14 G. 2.  
II. 1740.



Will. Pulteney, Esq;

William Pulteney, Esq;

SIR,

' I cannot but conceive, that our Order may extend in Influence beyond the present Moment, and that Intrusions may be punished by the House on another Day than that on which they were committed.

' I am so far, Sir, from being of Opinion, that to make the Execution of this Order valid, the House must sit without Interruption from the Time of the Offence to that of the Punishment, that if the Gentlemen in the Gallery were to be taken into Custody, I should advise the Serjeant to wait till the House should break up, and seize them as they should come out.'

Sr. William Yonge.

SIR,

Sir William  
Yonge.

' If any such Punishment were now intended, I should advise the Gentlemen in the Gallery to retire, indeed, but not to hide themselves like Felons, or Men proscribed by Proclamation; for as the Power of seizing any Man in the House is sufficient to secure us from Intrusion, there is no Reason to extend it farther; and Penalties are not without Reason to be inflicted, neither has the House ever coveted the Power of Oppressing; and what else is unnecessary Punishment?

' If, therefore, an Intruder is not seized in the Act of Intrusion, he cannot legally be imprisoned for it. And any of the Strangers who now hear this Debate, may retire to a very small Distance from the House, and set the Serjeant of Arms at Defiance.'

Sir Robert Walpole.

SIR,

Sir Robert  
Walpole.

' Whether the Question be proper or not, it seems very unnecessary to debate; because, however it be answered, it cannot be of great Importance; the Man has already confessed himself the Author of the Libel, and may, therefore, be punished without farther Examination.

' That he is the real Author, Sir, I am not indeed convinced by his Assertion, with whatever Confidence it was made; for so far as his Appearance enables me to judge of his Education and Sphere of Life, it is not probable that he should be much versed in political Enquiries, or that he should engage in the Discussion of Questions like this.

' There appears, Sir, in the Paper before us, a more extensive Knowledge of Facts, a more accurate Attention to Commerce,

Commerce, more artful Reasoning, and a more elevated Style, Anno 14, Geo.  
 than it is reasonable to expect from this Man, whom, with-  
 out pretending to circumscribe the Limits of his Capacity,  
 or the Compass of his Knowledge, I am, for my Part, in-  
 clin'd to look upon as an Agent to some other Person of  
 higher Station, and greater Accomplishments.

\* It is not uncommon, Sir, for Gentlemen to exercise their  
 Abilities and employ their Pens upon political Questions, and  
 when they have produced any Thing, which their Complai-  
 sance for themselves equally hinders them from owning and  
 suppressing, they are known to procure some Person of inferior  
 Rank to take upon him in public the Character of the Au-  
 thor, and to stand the Danger of the Prosecution, contenting  
 themselves with the Applause and Admiration of their chosen  
 Friends, whom they trust with the important Secret, and  
 with whom they sit and laugh at the Conjectures of the Public  
 and the Ignorance of the Ministry.

\* This, Sir, is a frequent Practice, not only with those  
 who have no other Employment, but as I have sufficient  
 Reasons to believe, among some Gentlemen, who have Seats  
 in this House, Gentlemen whose Abilities and Knowledge  
 qualify them to serve the Public in Characters much supe-  
 rior to that of Lampooners of the Government.

William Pulteney, Esq;

SIR,

\* Whether the Man who confessed himself the Author Mr. Pulteney.  
 of the Paper has accus'd himself of what he did not commit,  
 or has ingenuously and openly discovered the Truth, it is be-  
 yond my Penetration absolutely to decide: the Frankness  
 and Unconcern with which he made the Declaration, give it  
 at least the Appearance of Truth, nor do I discover any Reason  
 for doubting his Sincerity. Is there any Improbability in  
 the Nature of the Fact that should incline us to suspect his  
 Veracity? Is there any apparent Advantage to be gained  
 by assuming a false Character? Neither of those Circum-  
 stances can be produced against him; and an Assertion is to be  
 admitted for its own Sake, when there is nothing to invali-  
 date it.

\* But the honourable Gentleman, Sir, appears to have a  
 very particular Reason for his Doubts; a Reason which will,  
 I hope, have no Weight with any but himself. By denying  
 the Paper to this Man, he gives room for Conjecture and  
 Suspicion to range far and wide, and wanton with whatever  
 Characters he shall think proper Subjects for his Amusement.  
 An Author is now to be sought, and many diverting Argu-  
 ments

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Ann<sup>o</sup> 14, Geo  
II. 1740.

ments may be brought by the dullest Enquirer for fixing it upon one Man, or denying it to another.

• The honourable Gentleman, Sir, has given us a bold Specimen of this Kind of Wit, by insinuating that it is the Production of some one of the Members of this House; a Conjecture of which I am not able to find the Foundation, and therefore imagine, that Raillery rather than Argument was intended. But let the honourable Gentleman recollect, that the chief Excellence of Raillery is Politeness, to which he has surely paid little Regard, in supposing that what has been unanimously condemned as a Libel, has one of those who censured it for its Author.

• If I am particularly hinted at in this sagacious Conjecture, I take this Opportunity of declaring that I am equally ignorant of the whole Affair with any other Gentleman in this House; that I never saw the Paper, till it was delivered to me at the Door, nor the Author till he appeared at the Bar. Having thus cleared myself from this Aspersions, I declare it as my Opinion, that every Gentleman in the House can safely purge himself in the same Manner; for I cannot conceive, that any of them can have written a Libel like this. There are, indeed, some Passages which would not disgrace the greatest Abilities, and some Maxims true in themselves, though perhaps fallaciously applied, and at least such an Appearance of Reasoning and Knowledge, as sets the Writer far above the Level of the contemptible Scriblers of Ministerial Vindications: A Herd of Wretches, whom neither Information can enlighten, nor Affluence elevate; low Drudges of Scurrility, whose Scandal is harmless for Want of Wit, and whose Opposition is only troublesome from the Pertinaciousness of Stupidity.

• Why such immense Sums are distributed amongst these Reptiles, it is scarce possible not to enquire; for it cannot be imagined that those who pay them expect any Support from their Abilities. If their Patrons would read their Writings, their Salaries would quickly be withdrawn; for a few Pages would convince them, that they can neither attack nor defend, neither raise any Man's Reputation by their Panegyric, nor destroy it by their Defamation.

Sir Robert Walpole.

SIR,

Sir Robert  
Walpole.

• I hope it is not expected, that the Heat with which one Class of our political Writers have been attacked by the honourable Gentleman, should engage me to undertake their Defence with the same Earnestness. I have neither Interest enough in the Question to awaken my Passions, nor Curiosity

or Leisure sufficient for such an Examination of the Writings on each Side, as is necessary, before the Superiority of any Author above his Brethren can be justly asserted.

Anno 14 Dec.  
11. 1749.

‘ It is no Part, Sir, of my Employment or Amusement, to compare their Arguments, or to balance their Abilities; nor do I often read the Papers of either Party, except when I am informed by some that have more Inclination to such Studies than myself, that they have risen by some Accident above their common Level.

‘ Yet, that I may not appear entirely to desert the Question, I cannot forbear to say, that I have never from these accidental Inspections of their Performances, discovered any Reason to exalt the Authors who write against the Administration, to a higher Degree of Reputation than their Opponents. That any of them deserve loud Applauses, I cannot assert, and am afraid that all, which deserves to be preserv’d of the Writings on either Side, may be contracted to a very few Volumes.

‘ The Writers for the Opposition appear to me to be nothing more than the Echoes of their Predecessors, or what is still more despicable, of themselves, and to have produced nothing in the last seven Years, which had not been said seven Years before.

‘ I may, perhaps, be thought by some Gentleman of each Class, to speak contemptuously of their Advocates, nor shall I think my own Opinion less just for such a Censure; for the Reputation of controversial Writers arises, generally, from the Prepossession of their Readers in favour of the Opinions which they endeavour to defend. Men easily admit the Force of an Argument which tends to support Notions, that it is their Interest to diffuse, and readily find Wit and Spirit in a Satire pointed at Characters which they desire to depress. But to the opposite Party, and even to themselves, when their Passions have subsided, and their Interest is disunited from the Question, those Arguments appear only loud Assertions, or empty Sophistry; and that Wit, which was clamourously praised, discovers itself to be only Impudence or low Conceits; the Spirit evaporates, and the Malignity only remains.

‘ If we consider, Sir, what Opposition of Character is necessary to constitute a political Writer, it will not be wondered, that so few excel in that Undertaking. He that will write well in Politics, must at the same Time have a complete Knowledge of the Question, and Time to digest his Thoughts into Method, and polish his Stile into Elegance; which is little less than to say, He must be at once a Man of Business, and a Man of Leisure; for political Transactions are not easily understood, but by those who are engaged in

Anno 14, Geo them, and the Art of Writing is not attainable without long  
 II. 1749. Practice, and sedentary Application.

Thus it happens that political Writings are generally defective. For they are drawn up by Men unacquainted with public Business, and who can therefore only amuse their Readers with fallacious Recitals, specious Sophistries, or an agreeable Style; or they are the hasty Productions of busy Negotiators, who, tho' they cannot but excel the other Class of Writers in that which is of most Importance, the Knowledge of their Subject are yet rarely at leisure to display that Knowledge to Advantage, or add Grace to Solidity.

Writers of the latter sort appear but seldom, and most of our political Papers are the Amusements of Leisure; or the Expedients of Want.

Whether the Paper, now before us, is the Produce of Ease, or of Necessity, I shall not determine; I have already offered my Opinion, that the Man who claims it, is not the Author, nor do I discover any Reason for changing my Sentiment: The Question is a Question merely of Conjecture, since neither I, nor the Honourable Gentleman attempt to offer any demonstrative Proofs of our Opinion. If he has any to produce in favour of his own Notions, let him lay them before you, but let him always forbear to impute to me Assertions which I never uttered, and beware of representing me as declaring that I believe this Paper the Composition of some Members of this House.

[It was then debated, whether this Offence should be punished by the Authority of the House, or referred to the Cognizance of some of the Courts of Westminster Hall, on which Occasion Mr. Howe spoke as follows.]

SIR,

Mr. Howe.

It is the Duty of every Part of the Legislature, not only to preserve the whole System of our Government unaltered and unimpaired, but to attend particularly to the Support of their own Privileges, Privileges not conferred upon them by our Ancestors, but for wise Purposes.

It is the Privilege of this House that we, and we only, are the Judges of our own Rights, and we only, therefore, can assign the proper Punishment when they shall be presumptuously invaded.

If we remit this Offender, who has attempted to debase the House in the Opinion of the Nation, to any inferior Court, we allow that Court to determine by the Punishment that shall be inflicted, the Importance of this Assembly,

Assembly, and the Value of the collective Character of this Anno 14, Geo. II, 1740.

• It therefore concerns us, in regard to our own Dignity, and to the Privileges of our Successors, that we retain the Cognizance of this Crime in our own Hands, in which it is placed by perpetual Prescription and the nature of our Constitution.

Ordered, That William Cooley having confessed himself to be Author and Publisher of a malicious and scandalous Libel, intitl'd, *Considerations upon the Embargo on Provision of Victual*, be for his said Offence committed to Newgate.

Sir William Yonge.

SIR,

• I am pleas'd with finding that the Malice and Indelicacy of this Libel, has rais'd in the House a just Resentment, and that the Wretch, who with a Confidence so steady, and such Appearance of Satisfaction in his Countenance, confesses, or rather proclaims himself the Author, is treated as he deserves. But let us not forget that the same Degree of Guilt always requires the same Punishment; and, that when the Author of Scandal is in Prison, the Printer and Propagator of it ought not to be at Liberty.

Sir William Yonge.

• The Printer of the Daily News is surely the proper Object of your Indignation, who inserted this Libel in his Paper, without the Fondness of an Author, and without the Temptation of a Bribe; a Bribe, by the Help of which it is usual to circulate Scurrility. To this Man the Expence or Labour of aspersing the Government was recompens'd by the Pleasure, and he could not prevail on himself to omit any Opportunity of incensing the People, and exposing at once the whole Legislature to Censure and Contempt.

• Those, therefore, that have concurred in the Imprisonment of the Author, will doubtless join with me in requiring the Attendance of his officious Accomplice, and I cannot forbear expressing my Hopes, that he will not meet with kinder Treatment.

• It is far from being the first Offence of his licentious Press; and the Lenity of the Government, by which he has been so long spared, has had no other Effect upon him, than to add Confidence to his Malice, and incite him to advance from one Degree of Impudence to another.

• He has for several Weeks persisted in misrepresenting the Intention of the Embargo, by Letters pretended to be written by Friends of the Government, who are injured by it. He has vented his Insinuations as hitherto, with Impunity,

Anno 14, Geo III. 1740. Impunity, so, as it appears, without Fear. It is Time, therefore, to disturb his Security, and restrain him from adding one Calumny to another.

Sir John Barnard.

SIR,

Sir John  
Barnard.

‘ The End of Punishment is to prevent a Repetition of the same Crime both in the Offender, and in those who may have the same Inclinations, and when that End is accomplished, all farther Severities have an Appearance rather of Cruelty than Justice.

‘ By punishing the Author of this Libel, we have, in my Opinion, sufficiently secured our Dignity from any future Attacks, we have crushed the Head of the Confederacy, and prevented the subordinate Agents from executing their Malice. Printers can do no Injury without Authors; and if no Man shall dare to write a Libel, it is not worthy our Enquiry how many may be inclined to publish it.

‘ But if the Printer must necessarily be punished before the Resentment of the House can be satisfied; if it shall not be thought sufficient to punish him without whose Assistance the other could not have offended; let us, at least, confine our Animadversion to the present Fault, without tracing back his Life for past Misdemeanors, and charging him with accumulated Wickedness; for if a Man’s whole Life is to be the Subject of judicial Enquiries, when he shall appear at the Bar of this House, the most Innocent will have Reason to tremble when they approach it.

‘ Even with regard, Sir, to the Offence of which he is now accused, somewhat may, perhaps, be said in Extenuation of his Guilt, which I do not offer to gratify any personal Affection or Regard for him, to whom I am equally a Stranger with any other Gentleman in this House, but to prevent a Punishment which may be hereafter thought disproportioned to the Crime.

‘ It is, Sir, to be remembered, that he was not the original Printer of the Libel, which he only reprinted from a Paper, of which he knew that it was to be dispersed at our Door, and in which he could not naturally suspect any seditious or dangerous Assertions to be contained. It is, therefore, probable that he fell into the Offence by Ignorance, or, at worst, by Inadvertency; and, as his Intention was not criminal, he may properly be spared.’

Mr.

Mr. Winnington.

Anno 14, Geo.  
II. 1748.

SIR,

I cannot but think the Honourable Gentleman betrayed by his Zeal for the Defence of this Man, into some Assertions not to be supported by Law or Reason. If it be innocent to print a Paper once printed, will it not inevitably follow, that the most enormous Insults on the Crown itself; the most seditious Invektives, and most dangerous Positions, may be dispersed thro' the whole Empire, without any Danger but to the original Printer? And what Reason, Sir, can be assigned, why that which is criminal in one Man, should be innocent in another?

Mr. Winnington.

Nor is this the only Position which had been advanced contrary to the Laws of our Country; for it has been asserted, that the general Character of an Offender is a Consideration foreign from that of his immediate Crime; and that whatever any Man's past Life had been, he is only to be judged according to the Evidence for the Offence, which is then the Subject of Examination.

How much this Opinion is consistent with the Practice of our Courts, a very slight Knowledge of their Methods of proceeding, will readily discover. Is any Villain there convicted but by the Influence of his Character? And is not the chief Question at a Trial the past Conduct of the Person at the Bar?

Sir John Barnard.

SIR,

I rise up only to answer a Question, which is, whether Sir John properly or not, put to me, and hope the Irregularity will not be imputed to me by the House, but to the Occasion which produces it.

I am asked, whether it is not the chief Question at the Bar of our Courts of Justice, What is the Character of the Prisoner? And cannot but feel some Amazement that any Man should be so ignorant of common Proceedings, and so much unacquainted with the Execution of our Laws, as to have admitted a Notion so chimerical.

The Character of the Prisoner is never examined, except when it is pleaded by himself, and Witnesses are produced to offer Testimony in his Favour; that Plea, like all others, is then to be examined, and sometimes confuted by contrary Evidence. But the Character of a Criminal, tho' it may be urged by himself as a Proof of his Innocence, is never to be mentioned by his Prosecutor as an Aggravation or Proof of his Guilt. It is not required by the Law, that

the

Anno 14, Geo the general Character of a Criminal, but that the particular Evidence of the Crime, with which he stands charged, should be examined; nor is his Character ever mentioned but by his own Choice.

Sir William Yonge.

SIR,

Sir William  
Yonge.

‘ To prove the Malignity of the Intention with which this Libel was inserted in the Daily Paper, it cannot be improper to observe, that the Embargo had been, for many Days past, the favourite Topic of this Printer, and that, therefore, it was not by Accident that he admitted so zealous an Advocate for his Opinions to be seasonably assisted by the Circulation of his Paper, but that he doubtless was delighted with an Opportunity of dispersing Sedition by Means of greater Abilities than his own.

‘ Nor can it be justly pleaded, Sir, in his favour, that he was encouraged to publish it by the Confidence with which he saw it dispersed; for it was printed by him in the Morning, and not brought hither till the Afternoon. I cannot, therefore, but conclude, that his Intentions were agreeable to his Practice, and that he deserves to accompany the Author in his present Confinement.’

Mr. Campbell.

SIR,

Mr. Campbell.

‘ I hope it will not be imputed to me as a Disregard of the Government, or Neglect of the Honour of this House, that I declare myself on all Occasions like this, inclined to Lenity, and think it necessary always to proceed by regular Methods, and known Forms of Justice, not by capricious Determinations, and Orders variable at Pleasure.

‘ I opposed the Imprisonment of the Man who just now appeared at the Bar of our House, and am still more unwilling to proceed to Severities against another, who is criminal only in a subordinate Degree. The loudest Declaimers against those Men cannot have stronger Detestation of Falshood and Sedition than myself; but however flagrant may be the Crimes, they may be punished with unjustifiable Rigour, and, in my Opinion, we have already proceeded with Severity sufficient to discourage any other Attempts of the same kind.

‘ Whether it will promote the Advantage of the Public, and the Efficacy of our Deliberations, to deter any Man from the common Practice of giving us Information by delivering Papers at our Door, must be considered by the House.

• Nor

‘ Nor is it less worthy of our most attentive Enquiry, Anno 14, Geo II. 1740. whether it is not more reasonable to prosecute this Offender in the common Forms of Justice, than to punish him by any Act of uncontrollable, unaccountable Authority? Whether it is not more reasonable to have him prosecuted before a Judge unprejudiced, and a disinterested Jury, than to act at once as Party, Evidence, and Judge. I have no Desire, Sir, of diminishing the Privileges of this House; and yet, less would I contribute to establish any Precedents of unlimited Power, or arbitrary Punishments.

Mr. Attorney General.

SIR,

‘ Whence so much Tenderness can arise for an Offender of this kind, I am at a Loss to discover; nor am I able to conceive any Argument that can be produced for exempting from Punishment the Printer of a Paper, which has been already determined by the Vote of the House, to be a scandalous Libel, tending to promote Sedition.

‘ It has been, indeed, agreed, that there are contained in the Paper some true Positions, and some Passages innocent at least, and perhaps rational and seasonable. But this, Sir, is nothing more than to say, that the Paper, flagitious as it is, might have been swelled to a greater Degree of Impudence and Scurrility; that what is already too heinous to be born, might by greater Virulence become more enormous.

‘ If no Wickedness, Sir, is to be checked till it has attained the greatest Height at which it can possibly arrive, our Courts of Criminal Judicature may be shut up as useless; and if a few innocent Paragraphs will palliate a Libel, Treason may be written and dispersed without Danger or Restraint; for what Libel was ever so crowded with Sedition, that a few Periods might not have been selected, which, upon this Principle, might have secured it from Censure.

‘ The Danger of discouraging Intelligence from being offered at the Door of our House, does not alarm me with any Apprehensions of Disadvantage to the Nation; for I have not so mean an Opinion of the Wisdom of this Assembly, as to imagine that they can receive any Assistance from the Informations of these officious Instructors, who ought, in my Opinion, Sir, rather to be taught by some parliamentary Censure to know their own Station, than to be encouraged to neglect their proper Employments, for the sake of directing their Governors.

Anno 14, Geo  
II. 1740.



• When Bills, Sir, are depending, by which either the the Interest of the Nation, or of particular Men, may be thought to be endangered, it is indeed the incontestable Right of every Briton to offer his Petition at the Bar of the House, and to deliver the Reasons upon which it is founded. This is a Privilege of an unalienable Kind, and which is never to be infringed or denied; and this may always be supported without countenancing anonymous Intelligencé, or receiving such Papers as the Authors of them are afraid or ashamed to own, and which they, therefore, employ meaner Hands to distribute.

• Of this kind, Sir, undoubtedly, is the Paper now under our Consideration, of which I am far from imagining that it was drawn up by the Man who declares himself the Writer, and am therefore convinced of the Necessity of calling the Printer to the Bar, that whatever the Lenity or Justice of this Assembly may determine with Regard to his Punishment, he may be examined with respect to the real Authors of the Libel; and that our Resentment may fall upon him, who has endeavour'd to shelter himself by exposing another.

Mr. Ord.

SIR,

Mr. Ord.

• I am inclined to believe, that the Persons associated in writing and dispersing this Paper, whosoever they may be, are of no high Rank, or considerable Influence; as it is not likely that any Man who had much to hazard, would expose himself to the Resentment of the whole Legislature; but let us not for that Reason exert our Superiority in wanton Punishments, or tyrannize merely because we cannot be resisted. Let us remember that the same Justice and the same Humanity is due to the meanest, as the highest of our Fellow Subjects; and that there is even less Necessity of rigorous Measures, as the Attack is less formidable.

• But, Sir, there is one Motive to Moderation that has seldom been found less efficacious than the Consideration of the Laws of Justice or Humanity. We ought to be withheld by regard to our Posterity, and even to ourselves, from any exorbitant Extension of our Privileges. We know, that Authority once exerted, is claimed afterwards by Prescription. And who knows by what sudden Rotation of Power, he may himself suffer by a Precedent which he has concurred to establish, and feel the Weight of that oppressive Power which he first granted for the Punishment of another?

Mr.

Mr. Howe.

SIR,

• I am always unwilling to oppose any Proposal of Lenity and Forbearance, nor have now any Intention of heightening the Guilt of this Man by cruel Exaggerations, or inciting the House to Rigour and Persecution.

• But let us remember, Sir, that Justice and Mercy are equally to be regarded, and while we pity the Folly of a misguided, or perhaps, a thoughtless Offender, let us not suffer ourselves to be betrayed by our Compassion, to injure ourselves and our Posterity.

• This House, Sir, has always claimed and exerted the Privilege of judging of every Offence against itself: a Privilege so long established, and so constantly exercised, that I doubt whether the inferior Courts of Judicature will take Cognizance of an Attack upon us; for how can they venture to decide upon a Question of such Importance, without any Form or Precedent for their Proceedings.

• There seems also to be at this Time, Sir, an uncommon Necessity for Tenaciousness of our Privileges, when as some Whispers which have been wafted from the other House inform us, a Motion has been made in Term, which might imply the Subordination of this Assembly, an Assertion without Foundation either in Reason or Justice, and which I shall always oppose as destructive to our Rights, and dangerous to our Constitution.

• Let us therefore, Sir, retain in our Hands the Cognizance of this Affair; and let the Criminal either suffer his Punishment from our Sentence, or owe his Pardon to our Mercy.

This Motion was then carried in the Affirmative; Ayes 220, Noes 163. Whereupon Mr. Meres was called in and examined, and being withdrawn;

Resolved, That J. Meres be committed; and that his Majesty be addressed to give Orders, that the said J. Meres be prosecuted by the Attorney-General, on a Division, Ayes 188, Noes 155.

Then Mr. Hughs was called in and examined, and having protested his Innocence of the several Matters contained in the said Libel, &c. And being withdrawn, Resolved, that J. Hughs be committed, in order to make his Submission for his said Offence; Ayes 148, Noes 75.

Dec. 4th. The House, according to Order, was called over, and Thomas Strangeways Horner, Esq; was ordered

Anno 14, Geo. II. 1740. into Custody for Non-attendance; Ayes 203, Noes 159. And a Motion being made, and the Question put, That the House be called over upon this Day Fortnight; it passed in the Negative, Ayes 81, Noes 133.

The 5th. Mr. John Hughes made his Submission at the Bar of the House, and was discharged upon paying his Fees.

Received a Copy of a Treaty between his Majesty and the King of Sweden, as Landgrave of Hesse-Cassel; with a Translation of the same. Signed, Westminster the 9th of May, 1740.

Received three Petitions from Prisoners confined for Debt, in the Jails of Lincoln, Oxford and Essex, praying for Relief, &c.

In a Committee, made some Progress on the Bill to prohibit, for a limited Time, the Exportation of Corn, and other Provisions out of Great Britain, Ireland, and his Majesty's Plantations in America; and deferred the further Consideration to Tuesday next.

A Motion being made, and the Question put, That the House do adjourn, it passed in the Negative; Ayes 87, Noes 98. Then Mr. Sandys moved that an Address be presented to his Majesty, to order that the Embargo may be taken off of Ships laden with Fish and Rice; which was agreed to, and ordered accordingly.

The 8th. In a grand Committee went thro' the Land-Tax Bill, with several Amendments.

The 9th. Agreed to the Report of the Land-Tax Bill, and ordered it to be engrossed.

Received a Petition of John Dodd, Esq; complaining of an undue Election and Return for the Borough of Reading, in the County of Berks.

The 10th. In a grand Committee on the Supply, came to several Resolutions.

The 11th. Read a first time, a Bill for regulating Trials at *Nisi Prius*, and for the more effectual summoning of Special Juries.

Agreed to the Report of the following Resolutions on the Supply, viz. Resolved, That the Number of Men to be continued for Guards and Garisons for 1741, be 29,033 Men, including Commission and Non-commission Officers. And that 883,189l. be granted for defraying the Expences of the same.

Resolved, That 6930 Marines be continued for 1741. And that 124,052l. be granted for defraying the Expences of the same.

Resolved,

Resolved, That an additional Number of 5705 Men be raised for 1741. And that 116,321. be granted for defraying the Expences of the same. Anno 14, Geo. II. 1740.

Resolved, That an additional Number of 4620 Marines be raised for 1741. And that 90,201. be granted for defraying the Expences of the same. And it was moved, that the new-raised Men be incorporated into the standing Corps, because the forming them into new Regiments would be more burdensome and expensive, &c. Which after Debate passed in the Negative; Ayes 232, Noes 166.

The 12th. Ordered, That Thomas Strangeways Horner, Esq; a Member of this House, be discharged out of Custody, paying his Fees.

Mr. Sandys then moved for an humble Address to his Majesty, that for the future Ease of his Majesty's Subjects, all Officers now subsisting upon Half-pay, &c. might be employed in the Army, which he supported to this Effect. Debate on the Employment of the Half-pay Officers.

SIR,

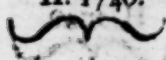
' Tho' I have often known Motions opposed without any just Objections, or at least without any Proof of such Inconveniencies likely to arise from them, as were equivalent to the Advantages which they would have produced, yet I cannot but confess, that any Opposition to this will be unexpected and surprizing; for it is, in my Opinion, supported by every Law of Justice and Humanity. If we regard the Public in general, it cannot but produce some Alleviation of the national Expence; and if we consider the particular Persons to whom it immediately relates, they have certainly a just Claim to that Regard, which it is the Tendency of this Motion to procure them. Sam. Sandys, Esq;

' To burthen with superfluous Officers, and unnecessary Expences, a People already overwhelmed with Taxes, and over-run with the Dependents on the Crown, is surely to the highest Degree cruel and absurd. And to condemn those Men to Contempt and Penury, who have served their Country with Bravery and Fidelity, to prefer unexperienced Striplings to those Commissions, which would gladly be accepted by Men who have already tried their Courage in the Battle, and borne the Fatigues of Marches, and the Change of Climates, is surely not only to oppress the Deserving, and scatter Promotion without just Distinction; but, what is yet more enormous, it is to wanton with the public Safety, and expose us to our Enemies.

' Nor does it appear to me sufficient, that the Veteran Officers be restored to the Commissions which they formerly enjoyed; they ought, upon an Augmentation of our Troops,

to

Anno 14. Geo.  
II. 1740.



to be recompenced by some Advancement for their Services and their Sufferings; the Ensign ought to become a Lieutenant, and the Lieutenant be exalted to a Captain; Stations which they will surely fill with more Dignity and greater Abilities, than Boys newly discharged from School, and entrusted with unexpected Authority.

‘ If it be reasonable, Sir, that Expence should be spared in a Time of general Poverty; if it be politic to carry on War in the manner most likely to produce Success; if it be just, that those who have served their Country should be preferred to those who have no Merit to boast, this Motion cannot be rejected.’

Sir William Yonge.

SIR,

Sir William  
Yonge.

‘ To the Motion now made, it will not I believe be objected, that it is unreasonable, or unjust, but that it is unnecessary, and that is not drawn up with sufficient Consideration.

‘ It is unnecessary, because his Majesty is advis’d by it to no other Measures than those which he has already determined to pursue; for he has declared to me, Sir, his Intention of conferring the new Commissions upon the Officers who receive half Pay, before any other Officers shall be promoted.

‘ The Motion appears to me not to be very attentively considered, or drawn up with great Propriety of Expression; for it supposes all the half-pay Officers fit for the Service, which cannot be imagined by any Man, who considers that there has been Peace for almost thirty Years; a Space of Time, in which many vigorous Constitutions must have declined, and many who were once well qualified for Command, must be disabled by the Infirmities of Age. Nor is the Promotion of one of these Gentlemen considered always as an Act of Favour, many of them have in this long Interval of Peace engaged in Methods of Life very little consistent with military Employments, many of them have Families which demand their Care, and which they would not forsake for any Advantages which a new Commission could afford them, and therefore it would not be very consistent with Humanity to force them into new Dangers and Fatigues, which they are now unable to support.

‘ With regard to these Men, Compassion and Kindness seem to require that they should be suffered to spend their few remaining Days without Interruption, and that the Dangers and Toils of their Youth should be requited in their Age with Ease and Retirement.

‘ There are others who have less Claim to the Regard of the Public, and who may be pass’d by in the Distribution of

of new Preferments without the Imputation of neglecting Merit. These are they who have voluntarily resigned their Commissions for the sake of Half-pay, and have preferred Indolence and Retreat to the Service of their Country.

Annals, Geo.  
II. 1740.

• So that it appears, that of those who now subsist upon Half-pay, some are unable to execute a Commission, some do not desire, and some do not deserve it, and with regard to the remaining Part, which can be no great Number, I have already declared the Intention of his Majesty, and therefore cannot but conclude that the Motion is needless.

Mr. Pulteney.

SIR,

• I know not by what Fatality it is, that all the Motions made by one Party are reasonable and necessary, and all that are unhappily offered by the other, are discovered either to be needless or of pernicious Tendency. Whenever a Question can be clouded and perplexed, the Opponents of the Ministry are always mistaken, confuted, and in Consequence of the Confutations defeated by the Majority of Votes. When Truth is too notorious to be denied, and too obvious to be contested, the Administration always claim the Honour of the first Discovery, and will never own that they were incited to their Duty by the Remonstrances of their Opponents, tho' they never before those Remonstrances had discovered the least Intention of performing it.

• But that the Motion is allowed to be just and proper, is sufficient, the Importance of it will be easily discovered. For my Part I shall always consider that Motion as important, which tends to contract the Expences of the Public, to rescue Merit from Neglect, and to hinder the Increase of the Dependents on the Ministry.

Sir Robert Walpole.

SIR,

• There is no Temper more opposite to that incessant Attention to the Welfare of the Public, which is the perpetual Boast of those who have signalized themselves by opposing the Measures of the Administration, than a Lust of Contradiction, and a Disposition to disturb this Assembly with superfluous Debates.

Sir Robert  
Walpole.

• Whether this Disposition is not discovered in the Reply made to the Declaration of his Majesty's Intentions, and the Confession of the Propriety of the Motion, let the House determine. It must surely be confessed, that it is not necessary to advise what is already determined.

• Nor

Anno 14, Geo  
II 1740.



‘ Nor is it less evident, that many of the Officers whose Interest is now so warmly solicited, must be incapacitated by their Age for Service, and unable to receive any Benefit from the Offer of new Commissions. To deny this, is to question the Flux of Time, or to imagine that the Constitution of a Soldier is exempt from its Injuries.’

Mr. Sandys.

S I R,

Sam. Sandys,  
Esq;

‘ I am far from intending by this Motion to fill the Army with decrepid Officers, or to obstruct in any manner the Service of the Public; nor have I any other Intention, than to secure to those whose Years permit, and whose Inclinations incite them to enter once more into the Army, that Preferment to which they have a Claim, not only from their past Services, but from the State of Penury and Obscurity in which they have languished.

‘ I desire to preserve those whose Valour has heretofore made our Nation the Terror of the World, from the Mortification of seeing themselves insulted by Childhood, and commanded by Ignorance; by Ignorance exalted to Authority, by the Countenance of some Rhetorician of the House, or some Mayor of a Borough.

‘ Whoever has observed the late Distribution of military Honours, will easily discover that they have been attained by Qualifications very different from Bravery, or Knowledge of the Art of War; he will find that Regiments and Companies are the Rewards of a seasonable Vote, and that no Man can preserve his Post in the Army, whether given him as the Reward of acknowledged Merit, or sold him for the full Value, any longer than he employs all his Influence in favour of the Ministry.

Sir Robert Walpole.

S I R,

Sir Robert  
Walpole.

‘ It has been already admitted, that the Motion can only be objected to as superfluous, and therefore all farther Debate is mere Waste of Time without any Prospect of Advantage, nor is any thing now necessary, but to review the Motion, and correct such Expressions as may be thought inaccurate or improper.

‘ That *all* the Half-pay Officers are not able to enter into the Service, has been already shewn, and therefore I should imagine, that instead of *all the Officers*, we might very justly substitute *Officers properly qualified*.’

Sir

Sir John Barnard.

Anno 14<sup>th</sup> Geo.  
II. 1740.

SIR,

Tho' I cannot discover the Necessity of any Alteration, Sir John Barnard. since it cannot be conceived that the Parliament can advise Impossibilities, yet since so much Accuracy is affected, it may be allowed that the Word *all* shall be left out, as seeming to imply more than can be intended.

But the Honourable Gentleman is not, in my Opinion, so happy in his Amendment, as in his Objection; for the Words *properly qualified* convey to me no distinct Idea. He that is *qualified*, is, I suppose, *properly qualified*, for I never heard of *improper Qualifications*; but if the Word *properly* be omitted, I have no Objection to the Amendment.

Resolved, *Nemine Contradicente*, That an humble Address be presented to his Majesty, that, for the present and future Ease of his Majesty's Subjects, he would be graciously pleased to employ in his Army such Persons as now remain upon Half Pay, who are qualified to serve his Majesty.

In a grand Committee took the Bill to prohibit the Exportation of Corn, &c. into Consideration, and after Debate, resolved to proceed further on the same on Monday next; Ayes 147, Noes 131.

The 15<sup>th</sup>. Read a third Time, and passed the Land-Tax-Bill.

Read a first Time, a Bill to amend the Law concerning common Recoveries; and to explain and amend an Act 29<sup>th</sup> K. Charles II. for Prevention of Frauds and Perjuries, so far as the same relates to Estates, *per Auter Vie*.

Received the Report of his Majesty's Answer to their Address of Friday last, viz. "I shall always have a due Regard for my Half-pay Officers, and shall employ such of them as are properly qualified for the Service."

Agreed to the Report of the Resolution on Ways and Means, viz. Resolved, that the Duties on Malt, Mum, Cyder and Perry, be further continued to the 24<sup>th</sup> of June, 1742. Ordered in a Bill accordingly.

A Motion being made, and the Question being put, that Mr. John Meres, who was committed to the Custody of the Serjeant at Arms, and ordered to be prosecuted by the Attorney General, for printing Part of a scandalous Libel on the Embargo, &c. in the Daily-Post, December 1<sup>st</sup>, 1740. be carried before one of the Justices of the Court of King's Bench, in order to be admitted to Bail for his Appearance on the first Day of next Term; and when he has given such

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Security,

Anno 14, Geo II. 1740. Security, that he be discharged out of Custody, paying his Fees: It passed in the Negative; Ayes 90, Noes 151.

Made a further Progress on the Corn Bill.

The 16th. Read a first Time, a Bill for continuing the Duties upon Malt, Mum, Cyder and Perry, for the Service of the Year 1741.

Made a further Progress on the Bill to prohibit for a limited Time the Exportation of Corn, &c.

The 17th. Read a second Time the Malt Bill.

In a Grand Committee went thro' the Corn Bill with several Amendments.

Received a Petition of the Governor and Company of Merchants of England trading to the Levant Seas, praying to be heard against the Petition of the Russia Company for opening a new Trade thro' Russia to Persia.

Ordered in an Account of the Butter imported into London for seven Years past, ending at Lady-Day, 1740.

The 18th. Read a second Time, a Bill for regulating Trials at *Nisi Prius*, and for the more effectual summoning of Special Juries, and committed it for the 15th of January.

Read a second Time, a Bill to amend the Law concerning common Recoveries, and to amend an Act 29th K. Charles II. for Prevention of Frauds and Perjuries, &c. and committed it for the 16th of January.

Mr. Speaker reported, That the House had attended his Majesty in the House of Peers, where his Majesty was pleased to give the Royal Assent to

Royal Assent  
given to the  
Land-Tax-Bill

An Act for granting an Aid to his Majesty by a Land-Tax to be raised in Great Britain for the Service of the Year 1741, and to one private Act.

Went into a grand Committee on the Petition of the Russia Company, &c. and examined several Levant Traders against the said Petition; then came to a Resolution thereupon.

The 19th. Received Part of the Report on the Corn-Bill, and ordered the further Part to be considered on the 13th of January.

Agreed to the Report of Yesterday's Resolution, viz. Resolved, That the opening of a Trade to and from Persia thro' Russia, will be a great Advantage to this Kingdom; and particularly, in promoting the Consumption of the Woolen-Manufactures thereof.

Ordered in a Bill accordingly.

Received a Petition from the City of London, complaining of the Ineffectualness of an Act 3d of King James I. for the recovering of small Debts, and for the relieving of poor Debtors in London. And praying for leave to bring in

in a Bill to explain and amend the same. Leave was given Anno 14, Geo II. 1740.

Deferred going into a Committee on the Malt-Bill till the 7th of January.

Deferred going into a Committee on Ways and Means till the 7th of January.

Deferred going into a Committee on the Supply till the 7th of January.

Then adjourned till the 7th of January.

Jan. 7. Received several Petitions from Prisoners confined for Debt in the Jails of Lancaster, Melchester, Exeter, Stafford, Ludgate, Newgate, Woodstreet and Poultry Compters, praying Relief, &c. which were ordered to lie on the Table.

Read a first time, a Bill for the more easy Recovery of small Debts.

Resolved, *Nemine contradicente*, That an humble Address be presented to his Majesty, to congratulate his Majesty upon the Increase of the Royal Family, by her Royal Highness the Princess of Wales being happily delivered of a Princess.

Resolved, *Nemine contradicente*, That a congratulatory Message be sent to their Royal Highnesses the Prince and Princess of Wales, on this happy Occasion.

In a grand Committee went thro' the Malt-Bill, with several Amendments.

The 8th. Agreed to the Report of the Malt-Bill, and ordered it to be engrossed.

Received the Report of his Majesty's Answer to their congratulatory Address, &c.

The 9th. Received a Petition of the Commissioners for building a Bridge cross the River Thames at Westminster, praying for further Sums of Money to enable them to carry on the same. Referred to a Committee.

The 12th. Read a third time, and passed the Malt-Bill; ordered it to the Lords.

Received a great Number of Papers, &c. ordered to be addressed for on the 26th of November last.

Agreed to the Report of the following Resolutions on the Several Deficiency-Supply, viz. Resolved, that 2625l. 4s. 3d. be granted to encies made make good the Deficiency of the general Fund for the Year good ending at Michaelmas 1740.

That 5621l. 10s. 1d. be granted, to replace to the Sinking-Fund the like Sum paid out of the same, to make good the Deficiency of the additional Stamp-Duties at Christmas 1739.

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That 20,000l. be granted to replace to the Sinking-Fund the like Sum paid out of the same to the Bank of England, for one Year's Interest of 500,000l. lent on Credit of the Salt-Duty, towards the Supply of the Year 1735.

That 23711l. 8s. 6d. be granted to replace to the Sinking-Fund, the like Sum paid out of the same, to make good the Deficiency of the Duty of 12s. per Barrel on Sweets, &c. at Michaelmas 1739.

The 13th. Read a first time, a Bill for opening a Trade to and from Persia thro' Russia.

Read a second time, a Bill for the more easy Recovery of small Debts.

The House made a further Progress on the Report of the Corn-Bill, and considered several Petitions concerning the same.

The 14th. Received a Petition of the Royal African Company of England, praying for a further Supply. Ordered that several Estimates relating to the same be laid before the House.

Made a further Progress on the Report of the Corn-Bill.

The 15th. The House finished the Report of the Corn-Bill, and ordered it to be engrossed.

The 16th. A Motion was made, and the Question being put, That leave be given to bring in a Bill to explain and amend an Act passed last Session to restrain the excessive Increase of Horse Races; it passed in the Negative, on a Division, Ayes 15, Noes 158.

Received a Petition of the Dean and Chapter of St. Peter's, Westminster, praying for a further Sum towards the Repairs of the said Cathedral. Referred to the Committee on the Supply.

In a grand Committee went thro' the Bill to amend the Law concerning common Recoveries, and to explain an Act 29th King Charles II. for Prevention of Frauds and Perjuries, so far as the same relates to Estates, *per autre Vie*, with several Amendments.

The 19th. The House proceeded to the hearing of the Petition of John Dodd, Esq; complaining of an undue Election and Return of William Strode, Esq; for the Borough of Reading, in Berkshire; and the Counsel were called in, and several Witnesses for the Petitioner were examined at the Bar of the House; after which, the Counsel on both Sides were directed to withdraw.

Deferred the Call of the House to the 3d of February.

The 26th. Resolved, That an humble Address be presented to his Majesty, for a List of such Commission and Warrant Officers as are now upon Half-pay in the Navy, together

together with an Account of their respective Ages, and the Dates of their first Commissions, and how long and how often they have been employed, to be laid before the House. Anno 14, Geo. II. 1740.

Received a Petition of divers Merchants, and Owners of Ships, praying for leave to bring in a Bill for explaining and amending an Act 12th of Queen Anne, for providing a public Reward for such Person or Persons, as shall discover the Longitude at Sea: And the same was referred to a Committee.

Heard Counsel further on the Merits of the Reading Election; and several Witnesses were called in, and examined, in order to disqualify the Votes for the sitting Member. Then the Counsel on both Sides were directed to withdraw.

The 21st. Received an Account, shewing how the Money given for the Service of the Year 1740, hath been disposed of, distinguished under the several Heads, until the 19th of January, 1740-41, and the Parts thereof remaining unsatisfied, with the Overplus thereon.

Received a Petition of the Painters of Fan-Mounts in and about the Cities of London and Westminster, setting forth, That about three Years ago, several Persons procured Copper-Plates for the printing of Fan-Mounts, by which means many of the Artills are reduced to the utmost Distress for want of Employment; that one Engraver and two Painters are able to furnish more printed Fan-Mounts in a Month's Time, than this Kingdom makes use of in a Year; and one Person employed in the washing of these printed Fan-Mounts, will colour more in three Days than one Painter can paint in a quarter of a Year: That by the Introduction of printed instead of well painted Mounts for Fans, the Art of painting Fan-Mounts, which was brought to great Perfection, is greatly discouraged, and the Exportation of Fans, with painted Mounts, which brought into this Kingdom a large Sum of Money annually, almost entirely lost to Great Britain: And therefore praying the House to grant them such Relief, as to them shall seem meet. Referred to a Committee.

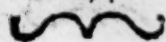
Read a first time, a Bill to render the Laws more effectual for preventing the stealing and destroying the Sheep and other Cattle.

Received a Petition of the Trustees for establishing the Colony of Georgia in America, praying for a farther Sum of Money, &c. Referred to the Committee on the Supply.

Received several Estimates of Accounts.

The 22d. William Cooley, (who was committed to Newgate on December the second, for being the Author and Publisher

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lifer of a malicious and scandalous Libel, entitled Confide-  
rations upon the Embargo on Provision of Victual) was  
brought to the Bar, and having upon his Knees received a  
Reprimand from Mr. Speaker, was ordered to be discharged  
out of Custody, paying his Fees.

Read a first time, a Bill to explain and amend an Act 3d of  
King James I. for the Recovery of Small Debts, and for the  
relieving of poor Debtors in London.

Agreed to the Report of the Bill to amend the Law con-  
cerning common Recoveries, and to explain and amend an  
Act 29th of King Charles II. for Prevention of Frauds and  
Perjuries, &c. Ordered it to be engrossed.

Agreed to the Report of yesterday's Resolutions on the  
Supply, viz.

Several Sums  
granted.

Resolved, That 184,691l. 10s. 10d. be granted to his Ma-  
jesty for the Ordinary of the Navy, including Half-pay to  
Sea Officers for 1741.

That 15,225l. 3s. 7d. be granted for the Charge of the  
Office of Ordnance for Land Service for 1741.

That 76,071l. 1s. 4d. be granted for defraying the extra-  
ordinary Expence of the Office of Ordnance for Land Service,  
not provided for by Parliament.

That 266,512l. 16s. 5d. be granted for maintaining the  
Forces in the Plantations, Minorca, Gibraltar, Georgia, &c.  
for 1741.

That 4000l. be granted towards repairing the Collegiate  
Church of St. Peter's, Westminster.

Proceedings  
on the Read-  
ing Election.

The 23d. Heard Counsel farther on the Merits of the  
Reading Election: And in order to qualify some Persons who  
voted for the fitting Member, Thomas House produced a  
Certificate signed by two Justices of the Peace; and the  
Counsel for the fitting Member having objected to the Ad-  
mission of that Paper in evidence, the Hand-writing of the  
said Justices not being proved; and the Counsel for the Peti-  
tioner having been heard by way of Reply: The Counsel on  
both Sides were directed to withdraw.

After Debate, it was Resolved, That a Paper dated 29th  
March, 1728, purporting to be a Certificate from the Parish  
of Woodley in the County of Berks, to the Parish of St.  
Lawrence in the Borough of Reading, signed by two Justices  
of the Peace, allowing the said Certificate, and now produced  
by Thomas House, who acts for his Brother as an Overseer of  
the Poor of the said Parish of St. Lawrence, be admitted to  
be read in Evidence, altho' the Hand-writing be not proved:  
On a Division, Ayes 145, Noes 144.

The Corn-Bill  
passed.

The 24th. Read a third time, and passed the Bill to  
prohibit for a Time therein limited, the Exportation of  
Corn,

Corn, Grain, (Rice excepted) Meal, Malt, Flour, Bread, Anno 14, Geo. II. 1740.  
Biscuit, Starch, Beef, Pork and Bacon; and ordered it to the Lords.

Read a second time the Bill for preventing Sheep-stealing, &c.

Then Mr. Waller offered the following Motion in Writing, Motion for  
That an humble Address be presented to his Majesty, that he will be graciously pleased to give Directions that there may be laid before this House Copies of two particular Letters written by his Majesty's Secretary of State to Admiral Haddock, which had been Addressed for before, and of the Letters received from Admiral Ogle mentioned therein; together with all Letters written by Admiral Haddock to either of his Majesty's Secretaries of State, concerning the said Letters, and the Execution of the Orders contained therein.

Which Motion be supported to the following Effect,

Debate thereon.

SIR,

‘ No Man who considers the present Situation of our Affairs, the Expence and Inefficacy of our Military Preparations, the Appearance of Negligence in our Naval Expeditions, and the general Disappointment of the Hopes which the Nation had conceived of Victories, Vengeance, and Reparations, can, in my Opinion, doubt the Expediency of the Motion which I have taken the Liberty to make.

Mr. Waller.

‘ When the Expectations of the Nation are deceived, it certainly becomes those who are deputed to watch over the Prosperity of the Public, to enquire whence the Disappointment proceeds, and either to inform their Constituents that their Uneasiness arises from their own Error, and that their Hopes are destroyed because they had no rational Foundation; or to detect the weak Management of those by whom the public Measures have been ill conducted, or the national Treasure has been misapplied.

‘ With regard, Sir, to the present War, I know not how the Nation can be charged with having formed unreasonable Expectations. If they considered the Speech from the Throne as the most authentic Declaration of the Intentions of the Government, they found there the warmest Resentment of the Injuries which they had sustained, and the strongest Assurances of a vigorous Prosecution of all those Measures which might produce speedy Recompence and inviolable Security.

‘ If they reflect, Sir, on the Preparations for War, on the Multitude of Ships, the Demand of Materials for Naval Equipments, and the high Prices at which Workmen were retained

Anno 14, Geo  
II. 1740.

retained, they could not but imagine that either some mighty Attempt was designed, or some formidable Enemy dreaded; and as they know not whom they had to fear, they ascribed the Vigour of our Proceedings to a Resolution of humbling our Enemies by one fatal Blow, and reestablishing our Naval Dominion by a single Effort.

• And justly, Sir, might they indulge this pleasing Imagination, with Reason might they anticipate a Triumph over an Enemy whose Strength bears no Proportion to the Force that was fitted out against them, and expect that in a few Months they should see the Embassadors of Spain supplicating for Peace.

• To raise their Expectations yet higher, their Trade was suspended by an Embargo, long continued, and in the strictest Manner enforced, and the Impresses were let loose upon the Sailors; they saw nothing omitted, however grievous to the Nation, that could contribute to make it formidable, and bore Part of the Miseries of War without Impatience, in Hopes of being rewarded by military Glory, and repaid by the Plunder of Spain.

• But, Sir, when so long a Time has elapsed, and no Account is brought, of either a Victory or a Battle, when they hear nothing but that our Fleets have visited several neutral Ports, and those of the Enemy sailed unmolested from Coast to Coast, and when they are every Day told of the Losses of our Merchants, who are insulted in our own Channel by the Spanish Privateers, and receive no Relations of our Success upon the Shores of our Enemies, can it be wondered that they suspect the Reality of our Designs, or enquire whence it proceeds that their Money has been wasted, their Trade interrupted, and the Liberty of their Fellow-Subjects invaded to no Purpose?

• But how much more justly, Sir, are they inflamed when they hear of the lucky Stratagems, or daring Enterprizes of those Enemies, which a just Sense of their own Superiority had induced them to consider as vanquished before the Battle, and of whom they had no Apprehensions but that their Cowardice would always secure them from Vengeance? How justly may they murmur when they read that our Fleets leave every Part of the Enemy's Coast where their Presence is necessary, and have afforded the Spaniards an Opportunity of changing one Port for another, as it is most convenient, and at length of joining the French Squadrons, and failing to the Defence of their American Dominions.

• May they not justly, Sir, require of their Representatives some Reason for such inexplicable Conduct? May they not reasonably demand an Account of the Arguments which  
procure

procured their Approbation of Measures, which, so far as Anno 14, Geo. II. 1740. they can be examined by those who have no Opportunity of perusing the necessary Papers, appear either cowardly or treacherous?

‘ And what Answer, Sir, can we return to such Remonstrances, unless this Motion be agreed to? How can we appease the Discontents of our Constituents, or discharge the Trust reposed in us, without a very minute and attentive Inquiry into Questions thus obscure, and thus important.

‘ Are we to tell our Constituents, that we absolutely rely upon the Prudence and Fidelity of the Ministry and Admirals, and recommend to them the same implicit Dependence? Are we to confess that we have now for two Sessions voted in the dark, and approved what we were not suffered to examine and understand?

‘ Such Answers, Sir, to Questions so reasonable, will not contribute to increase the Veneration of the People either for ourselves, or our Constitution; and yet this Answer, and this only, they can receive from us, if the Papers mentioned in the Motion I have made are denied.’

Mr. Clutterbuck.

SIR,

‘ This Motion, tho’ so warmly urged, and so artfully supported, I can consider only as a Repetition of a former Motion which was approved by this Assembly, so far as it could properly be complied with, nor was any Paper then concealed which it would not have been an Injury to the Nation to have divulged.

Mr. Clutterbuck.

‘ If the Design of this Motion be to promote the Success of the present War, and the Zeal, with which it has been pressed, be incited only by the Ardour of true Patriotism, I doubt not but it will easily be withdrawn, by those who are now mostly inclined to support it, when they shall reflect that it tends to the Discovery of our Schemes, and to the Overthrow of our Designs, that it will expose all our Consultations to our Enemies, and instruct them how to annoy us with most Success, and how to shelter themselves from our intended Attacks.

‘ It is the first Care, Sir, of every Administration, that their military Designs should only be discovered by the Execution of them, and that their Enemies, by being obliged to guard all Parts, should be weak in all: If by laying our Papers before this House, the Spaniards should come to be informed against what Part of their Dominions our Expeditions are designed, will they not increase their Strength, improve their Fortifications, and double their Vigilance?

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and

Anno 14, Geo. II. 1740. and if we are thus obliged to form new Schemes, must we not impute the Defeat of the former to our own imprudent Zeal, or unseasonable Curiosity?

Mr. Sandys:

SIR,

Sam. Sandys,  
Esq;

• That we should demand the Schemes laid for the future Conduct of the War with Spain was never proposed, nor, as it may reasonably be concluded, ever imagined; for what is mentioned in the Motion but the Papers relating to the Transactions of the two last Years?

• That it should be necessary to remind Gentlemen of the Difference between the *future* and the *past*, would hardly be suspected by any Man not accustomed to parliamentary Controversies and Artifices of State; and yet in the Argument which has been offered against the Motion, nothing has been asserted, but that the Orders relating to past Transactions are not to be laid before us, lest the Enemy should thereby gain Intelligence of what we now design against them.

• The Necessity of Secrecy in War needs not to be urged, because it will not be denied; but when Designs have been laid, and miscarried, the Reasons of that Miscarriage may surely be enquired into without Danger of betraying the Councils of our Country.

• If the Negligence of our Councils, and the Misconduct of our Commanders has been such, that no Designs have been premeditated; if a War has been carried on by Chance, and nothing has succeeded because nothing has been attempted; if our Commanders have not done ill, and have only done nothing; if they have avoided Loss by avoiding Danger, we may surely enquire to whom such Proceedings are to be imputed, whether the Defeat of our Designs is to be charged upon the Strength of the Enemy, or the Cowardice of our Officers; or whether the Inactivity and apparent Neutrality of our Forces is occasioned by the Negligence of our Admirals, or the Irresolution of our own Ministry.

• There have been, Sir, many Incidents in these two last Years, of which the Examination can be of very little Advantage to the Spaniards; I do not know what pernicious Intelligence they can glean from an Enquiry into the Reasons for which Haddock's Fleet was divided, and Ogle sent to the Defence of Minorca, or for which he afterwards returned.

• Nor can I conceive that any Advantage, except that of Merriment and Diversion, can be thrown into the Hands of our Enemies, tho' we should seriously enquire into what no Man has yet pretended to understand, the wonderful Escape of

of the Spanish Squadron. A Transaction on which we had dwelt long enough with that Admiration which Ignorance produces, and on which it may not be improper at length to enable us to reason. Anno 14, Geo<sup>o</sup>  
II. 1740.

‘ This is an Affair perhaps much better understood by our Enemies than by ourselves, and surely we cannot therefore be afraid of informing them of it; at least since the Fleet has long since sailed out and left their Coast, we can hardly be restrained in our Enquiries by the Fear of discovering our future Designs.

‘ If therefore it be the uncontestable Right of the House to examine the Conduct of public Affairs, which I suppose will scarcely be denied, this Motion cannot be rejected as unseasonable, nor can the Papers be refused without increasing those Suspicions which already are too prevalent throughout the Nation.

‘ Nor indeed, for our own sakes, ought we to delay this Enquiry any longer, lest by having long acted without being accountable, the Minister should form a Prescription against our Privilege, and in Time tell us in plain Terms that we are his Slaves, and that we are not to presume to carry our Examinations, however solemn and important they may continue to appear, further than he shall be pleased to permit; and that whatever may be the Opinion of the People that depute us, or whatever ancient Claims we may plead to Authority, we are now to consider ourselves only as the Oppressors of the Nation, and the Panegyrist of the Court.’

Mr. Horatio Walpole.

SIR,

‘ It cannot be denied to be reasonable that all those Papers should be laid before the House which can be communicated without Injury to the Public. Of this Number we may justly imagine the Orders sent to the Admirals, in which the Time of their Departure is fixed, and many others which may be of Use to inform the House, but cannot enable the Enemy to judge either of our Force, or our Designs.

‘ But it is evident that there must be others included in this Motion, which our Regard for the Success of the War, and the Prosperity of our Country, ought to determine us to conceal, and such as are never exposed by any Administration; it is therefore proper to limit the Address to Papers of a certain kind, or a certain Date, which may be considered by the House without Benefit to our Enemies, and for the Examination of which a Day or two will be more than sufficient.’

Mr Horatio  
Walpole.

Anno 14, Geo  
II. 1740.

Mr. Pulteney.

SIR,

Mr. Pulteney.

‘ I know not what Number of Papers the Wisdom of the Administration will allow us, but, if we judge by the Time proposed to be spent in Examination, we shall not be distracted with a great Diversity of Subjects; Intelligence will be very penuriously dealt out, and if we submit to their Choice of the Writings, which shall be laid before us, our Enquiry will probably end without any Discoveries made either by our Enemies, or ourselves.

‘ But, I hope, Sir, we shall not be so cheaply satisfied, nor exposed by the Fear of one Enemy, to the Insolence of another. I hope we shall resolutely continue our Demands of Information, while a single Line is concealed, from which any Light can be expected.

‘ There may indeed be Circumstances in which our Demands, however loud, will necessarily be vain. It is not impossible that we may suspect those Transactions of deep Art, and secret Contrivance, which have been the Consequences of mere Indolence, and Want of Consideration. Our great Ministers have been, perhaps, only doing nothing, while we have imagined that they were working out of Sight.

‘ Misled, Sir, by this Notion, we may call for the Orders that have been dispatched in these two last Years, when perhaps our Secretaries of State have been fattening on their Salaries, without Employment, and have slept without Care and without Curiosity, while we have been congratulating ourselves upon their Vigilance for our Preservation.

‘ Or if Orders have been given, it is to be considered, that the End of inspecting Orders is to compare them with the Conduct of the Admirals to whom they were directed; from this Comparison I doubt not but many Gentlemen expect uncommon Discoveries; but to check all unreasonable Hopes before they have taken Possession of their Hearts, for unreasonable Hopes are the Parents of Disappointment, I think it proper to remind them, that to draw any Conclusions from the Orders, it is necessary to understand them.

‘ This Consideration alone is sufficient to repress the Ardour of Enquiry, for every Man that has had Opportunities of knowing the wonderful Accomplishments of our Ministry, the Depth of their Designs, the Subtilty of their Stratagems, and the Closeness of their Reasoning, will easily conceive it probable that they might send such Orders as none but themselves could understand; and what then will be the Consequence of our idle Curiosity, but, that we may be led  
into

into a Labyrinth of endless Conjectures? For we have long Anno 14, Feb.  
 go found, that no Explanations are to be expected, and II. 1740.  
 that our Ministry are too wise to discover their Secrets to  
 their Enemies.

‘ Let us, therefore, examine the naked Facts, which have  
 fallen within our Observation, and endeavour to inform our-  
 selves of the Meaning of these secret Orders by the Execution  
 of them.

‘ Admiral Ogle was dispatched from Haddock’s Fleet to  
 protect Minorca, and in his Absence the Spanish Squadron  
 sailed away. Perhaps he was ordered to watch Ferrol and Mi-  
 norca at the same time, and not understanding how that was  
 to be done, neglected what was to be done, neglected one  
 part of his Charge by an Attention to the other; as a Watch-  
 man who should be employed to guard at once the Bank in  
 London and the Treasury in Westminster.

‘ Admiral Norris, Sir, sailed lately forth, I suppose in pur-  
 suance of Orders, with a very formidable Fleet, and after  
 having lost Sight for some Days of the British Coast, sailed  
 back again with great Precipitation. Whether his Orders,  
 were only to sail forth, or whether when he examined them  
 farther he could not understand them, I pretend not to deter-  
 mine; but it may reasonably be imagined that his Orders  
 were of the same kind with those of our other Admirals, be-  
 cause they produced the same Consequences.

‘ I have been told that formerly our Commanders were  
 ordered to burn, sink, and destroy; and that in those Times  
 it was not uncommon for a British Admiral to do much Mis-  
 chief with a strong Fleet; but it is evident that the Style is  
 since changed, for Admirals are now very inoffensive, and  
 go out only to come back. I therefore think the Motion  
 highly necessary, and such as ought to be complied with.’

Admiral Norris.

SIR,

‘ I am not conscious, that my Conduct in any Part of my Admiral  
 Life has exposed me to be justly treated with Contempt and Norris.  
 Ridicule, and what I have not deserved I will not bear.

‘ If any Gentleman in this House can accuse me of having  
 neglected my Duty or deserted it, let him not spare Insults or  
 Invectives, let him now expose my Cowardice or my Care-  
 lessness, let him prove me unworthy of Trust or of Command.

‘ But my own Conscience acquits me, and I defy any Man,  
 to produce and support his Accusation; nor can you, Sir, \*  
 who have thus contemptuously treated me, alledge any Thing  
 against

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\* *Addressing himself to Mr. Pulteney.*

Anno 14, Geo. II 1740. against me that may justify your Neglect of Decency; that you have transgressed the Rules of Decency is the softest Censure that your Behaviour admits, and I think it may, with equal Propriety, be asserted, that you have broken the Law of Justice.

Mr. Pulteney.

SIR,

Will. Pulteney, Esq.

‘ I shall submit to you, and all who hear me, Whether I have treated the honourable Gentleman’s Name with any contemptuous Freedom of Speech. The usual Method of mentioning an Expedition, is that of naming the Commander, who is not thereby necessarily included in the Censure of an unsuccessful Attempt, and I am very far from calling his Courage, and Capacity into Question.

‘ Not that I shall ever think it necessary to make an Apology for expressing my Sentiments with Freedom as a Member of this House, in which I shall always speak what I think, and in what Manner it shall appear to me most proper; nor shall I fear to repeat without Doors what I say here.’

Sir Robert Walpole.

SIR,

Sir Robert Walpole.

‘ As I am not acquainted with any Measures pursued by the Administration which it is their particular Interest to conceal, I am desirous that all Papers should be laid before the House which will not afford our Enemies any Opportunity of obviating our Designs.

‘ What Necessity there is for this Address, I cannot indeed discover, because I know not any Foundation for Suspicion of either Negligence or Treachery, which have been both insinuated in this Debate.

‘ Nor are the Ministry, however ludicrously their Abilities have been treated, afraid of discovering their Ignorance by laying before the House the Orders which they have given to our Admirals, Orders of which they are far from doubting that they will appear, upon a candid Examination, rational and proper.

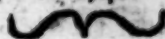
‘ The chief Objection to this Motion arises from its Unreasonableness, and the Necessity which it will produce of assigning to a fruitless Enquiry those Hours that may be more usefully employed.’

Mr. Pitt.

SIR,

Mr. Pitt.

‘ It is my Opinion, that our Time cannot be more usefully employed during a War, than examining how it has been conducted,



conducted, and settling the Degree of Confidence that may be reposed in those to whose Care are entrusted our Reputations, our Fortunes, and our Lives.

'There is not any Enquiry, Sir, of more Importance than this; it is not a Question about an uncertain Privilege, or a Law, which if found inconvenient may hereafter be repealed; we are now to examine whether it is probable that we shall preserve our Commerce and our Independance, or whether we are sinking into Subjection to a foreign Power.

But this Enquiry, Sir, will produce no great Information, those whose Conduct is examined, are allowed to select the Evidence. For what Account will they exhibit but such as we often already been laid before us, and such as they now offer without Concern. Accounts obscure and fallacious, imperfect and confused; from which nothing can be learned; and which can never entitle the Minister to Praise, tho' they may screen him from Punishment.'

Mr. Pelham.

S I R,

'I am confident that no man engaged in the Administration, desires to be screened from the most rigorous Enquiry, nor would defer to exhibit the Papers a Moment for any other Reason than his Regard for the Public. Mr. Pelham.

'I am confident, that nothing could so much contribute to advance the particular and distinct Interest of the Ministry as the Publication of all the Writings that relate to the present War, by which it would incontestably appear, that nothing has been omitted that could promote our Success, that our Commanders have been sent out with Orders to act with the utmost Vigour, and that our Preparations have not been disproportioned to the Importance of our Designs.

'It will appear that no former Ministry have given greater Proofs of their Zeal for the public Interest, or have more steadily pursued the most proper Measures by which it might be advanced.

'I am not indeed certain that those who now call so loudly for Information would be prevailed on by any Degree of Evidence to suspend their Censures. Them, who are now dissatisfied, I shall despair of influencing by Reason or Testimony; for they seem to enquire only to condemn; nor is this Motion perhaps made so much for the sake of obtaining Information, as of harrassing the Ministry with Delays and suspending Affairs of greater Importance.'

Ordered an Address to His Majesty, for Copies of the Letters

Anno 14, Geo. II. 1740. Letters written to and received from the Admirals, Haddock and Ogle, in 1739 and 1740, to be laid before them.

Also for a Copy of the Reasons sent by Admiral Cavendish, in Pursuance of an Order from the Admiralty, October the 12th, 1740, that had retarded the sailing of Sir Chaloner Ogle's Squadron, so much beyond Expectation.

Also for a Copy of the Reasons transmitted by Sir Chaloner Ogle, in Pursuance of an Order from the Duke of Newcastle, October the 23d, 1740, that did prevent him from sailing pursuant to his repeated Orders for that Purpose; and particularly to those sent him by the Commissioners of the Admiralty, on the 14th of October, 1740.

Heard Counsel farther on the Merits of the Reading Election, and several Witnesses were examined; and the Resolution of the House of the 4th of December, in the 7th of Queen Anne was read, whereby it was resolved, That such Persons as had within two Years last received Kendrick's Charity, or any other annual Charity, distributed in the said Borough, had not a Right to vote in Elections of Burgesses to serve in Parliament for the said Borough.

The 27th. Read a first time, a Bill for licensing the Importation of Victual from Ireland, and other Parts beyond the Seas into Scotland, in Time of Dearth and Scarcity.

Read a third time, and passed the Bill to amend the Law concerning common Recoveries; and to explain and amend an Act 29th of King Charles II. for Prevention of Frauds and Perjuries, so far as the same relates to Estates, *per auter Vie*; ordered it to the Lords.

Debate on the second Reading of the S. an. en's Bill.

Read a first time, a \* Bill for the Encouragement and Increase of Seamen, and for the better and speedier manning his Majesty's Fleet. And a Motion being made for its being read a second time, it occasioned the following Debate.

Mr.

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\* *The Heads of the said Bill were as follows: " That every able Seaman who shall have voluntarily served on board the Royal Navy the Space of        Years, shall be entitled to the yearly Pension of        , until he shall be provided for in the Royal Hospital for Seamen. That the Widow of every Seaman, under the Degree of a Warrant or Commission-Officer, who entered voluntarily, and was killed or drowned in the Service, shall receive a Sum of Money, equivalent to one Year's Wages of such Seaman. That the Justices of Peace, &c. shall, upon proper Application, issue out Warrants to the Constables, Headboroughs, &c. to search, by Day or Night, for all such Seamen or Seafaring men as shall withdraw or conceal*

Mr. Gibbon.

Anno 14, Geo.  
II. 1740.

SIR,

I have been always taught that the distinguishing Felicity of this Nation is general Liberty, Liberty not confined to the highest Classes of Men, but diffused thro' the whole Body of the People: For the Preservation of this, our Ancestors have struggled in every Age; and for this only are

Mr Gibbon.  
Debate  
thereon.

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ceal themselves within their respective Jurisdictions. That the Constables, &c. shall bring such Persons as they shall apprehend before the Justices, &c. who, upon finding them to be such Seamen or Sea-faring-men, shall cause them to be delivered over to the Persons appointed to receive and conduct them, to be conveyed into his Majesty's Sea Service. That in making such general Search, it shall be lawful for the said Officers appointed to make the same, to enter any House where they shall suspect such Seamen to be concealed; and if Entrance be not readily admitted them, then to force open the Doors of such House, in order to make such Search. That such Constables, &c. shall appear before the said Justices, &c. and give Account of the Execution of the respective Warrants and Precepts to them directed; and the said Justices shall be empowered to punish them for any Neglect, Connivance, or other Offence in the Performance of his Majesty's Services in the Premises. That the Constable, or other Officer, shall have as a Reward for discovering and securing such Seamen. That whoever shall presume to harbour or conceal any such Seaman, or wilfully do any thing to hinder or frustrate the Search, or entice any Seaman to run away from his Conductor, for every such Offence shall

That the Justices of the Peace, &c. shall exhibit an Account of the Names of the several Persons brought before them, with the Place where, the Time when, and the Officers by whom such Persons were impressed; and of the Conductors to whom such Persons were delivered. That a Register shall be appointed to be kept in the Navy or Admiralty-Office, where the Names of every Person so impressed shall be entered, and the Ship they were to serve in, that so it may appear if such Person was actually entered in his Majesty's Service, and continues in the same. That the Act passed in the first Year of his present Majesty, for encouraging Seamen to enter into his Majesty's Service, whereby no Seaman in the said Service can be arrested for a Debt under 20l. shall so far take Effect, and be in Force in the Kingdom of Ireland, from March the 25th, 1741.

Anno 14, Geo  
II. 1740.

the present Burden of Taxes born without Sedition, and almost without Complaint. While we preserve, or fancy that we preserve, our Liberty, we look without Envy on the Power, the Wealth, and Prosperity of the Slaves of arbitrary Monarchs. We account no Man prosperous whose Happiness does not depend upon his own Conduct, and should think it Folly to heap Wealth together, which might be taken away without our Consent. For fear of losing this great Privilege, we have endeavoured, at an immense Expence, to prevent the enormous Increase of any foreign Power, by which we might in Time be swallowed up, and reduced to the same State with the Provinces on the Continent. To this End we raise Armies and build Fleets, and pour into the public Treasury the Produce of our Lands, and the Gain of our Commerce. But to what Purpose are our Labours, our Dangers, and our Expences to obviate the Designs of foreign Ambition, if we suffer Slavery to steal upon us in the Form of Law, and impair our Liberties by the Means employed to defend it.

‘ If the only Use of Armies and Fleets be to secure Freedom and Independency, nothing surely can be more absurd than to raise them by Methods of Oppression and Violence; nothing can be weaker than to send Men to fight for that Liberty, of which we have deprived them.

‘ That the Bill now before us reduces Multitudes of our Fellow-Subjects to the Miseries of Slavery, to the Malice of private, lurking Informers, and the hateful Insults of petty Authority must appear to every Man that hears it. It condemns those who have dedicated their Lives to the most useful Employment, and wasted their Strength in the most important Service of their Country, to be hunted like Beasts of Prey, or like Murderers and Felons, whom it is the common Interest of Mankind to search out and to destroy.

‘ Let any Man, Sir, once be called a Seaman, let any Man once become the Object of public Resentment, by having contributed to the Wealth and Honour of his Country, and at last, from Weariness of Labour, Satiety of Profit, or Fear of Oppression, incline to spend the rest of his Life in Peace, the Hue and Cry shall be raised against him, Stratagems shall be contrived to entrap, or Violence employed to constrain him; he shall be pursued by the Officers of Justice, his Friends shall be obliged to betray him, and the House broke open at Midnight that shall afford him Shelter.

‘ If this be the Condition to which any Man is exposed by the Laws of Britain, he may surely be dispensed from hazarding his Life in their Defence; for what Alteration  
can

can be made in them, by which his Condition will become worse? Anno 14. Geo. II. 1740.

‘ If any particular Body of Men be marked out by the Legislature for Hardships like these, will not every one that can chuse his Employment, list himself in some other Class? And every Man who has been already so unhappy as to have engaged himself in this Profession, seek for better Treatment in a foreign Land?

‘ There are indeed, Sir, some Inconveniences arising from this Bill, which will not be confined to the Seamen; the Power granted to Officers to search a suspected, that is, any House which they shall be pleased to mark out, may affect every Man who has been so imprudent as to offend the Constable of his Parish, as he may revenge the Injury by a Declaration of Suspicion, and consequently by a nocturnal Visit at the Head of his Assistants.

‘ Nor is this, Sir, the most offensive Part of this Bill; one Clause of it tends to weaken the most sacred Tyes of Society, to make not only friendly Offices, but filial and conjugal Tendernefs punishable by Law.

‘ The Penal Clause, by which every one is forbidden to conceal a Seaman without Exception of particular Reason or Relation, is, in my Opinion, Sir, the utmost Stretch of Tyranny. Let us dwell a while upon it, and suppose a Son condemned as a Criminal for sheltering his Father; let us suppose a Wife dragged thro’ the Insolence of a Crowd, and called with all the Infamy of a Prostitute, to receive Sentence of Punishment for refusing to betray her Husband. To think on such Scenes as these, excites Indignation; and for my Part I shall oppose any Bill of this kind, lest the Execution of it should fire the Nation to Rebellion.

Mr. Horatio Walpole.

SIR,

‘ If any Severities are proposed by this Bill, or any Methods of Terror or Violence prescribed, it must be confessed that they can be justified by nothing but Necessity, and I hope those who shall speak in their Vindication, are not less affected by the Sense of them, though they are more convinc’d how much the present State of our Affairs requires such Methods than those that oppose them. Mr. Horatio Walpole.

‘ How much of the Power of this Nation consists in our Fleets, and how useless Fleets are without Seamen, I am not to prove. Nor is it Sir, much less apparent, that Seamen are not to be procured by the common Methods, in Numbers sufficient for our present Armaments, and that therefore some others must be speedily contrived.

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‘ It will be vain Sir, to expect, that a little Time will reconcile them to the Service, and that our Ships will soon be mann’d with Voluntiers; for the Fleets have taken away such Numbers, that there remain, perhaps, not more than Five Thousand in Britain; who, though they should assemble at the Call of our Commanders, would be able to supply no formidable Navy.

‘ And that a Navy of uncommon Strength is necessary for the Honour and Support of Great Britain on this Occasion, no Man can doubt; when he has been informed of what I have received from undoubted Intelligence, that a neighbouring Power, equally to be dreaded for its Ambition and its Strength, is now equipping 20 Ships of the Line, for which no apparent Reason can be given, nor any more probable, than that they are design’d to interrupt the Prosecution of the War. Such Dangers might vindicate us in the Use of violent and compulsive Methods of raising Forces, but none are in reality intended or proposed, more severe than those which were prescribed by an Act passed in the Fourth of Queen Anne, at a Time when the Councils of the Nation were directed by Men whom we cannot easily suspect of an Intention to injure Liberty.

‘ That the Condition of Seamen will by this Act be made less independent than that of others, and the Methods of manning the Fleet have a more oppressive and arbitrary Form than those by which the Land-Service is supplied, is not to be deny’d; but let it be remembred, Sir, that those Inconveniences are balanc’d by the Rewards proposed, by the liberal Provisions made for those whom the Chance of War shall disable from supporting themselves, and the Ease and Plenty to which they are entitled, who shall grow old in the Sea-Service.

Mr, Campbell.

S I R,

Mr. Campbell.

‘ I know not the Import of the Term Slavery, if it means any State different from that with which Seamen are threatned by the Bill before us. If to lose the Power of Choice, be to fall into Slavery, every Seaman, from the Instant this Bill passes, becomes a Slave; for he will not only be excluded from the Choice of his Course of Life, which yet every Freeman must necessarily enjoy, but from the Power of determining what Master he will serve.

‘ A Sailor, Sir, after having perhaps willingly entered himself, is either frighted away by the Oppression of his Officers, or allured into the Service of Merchants by Prospect of Advantage; but notwithstanding his Apprehensions on the

the one Side, and his Hopes on the other, he is to be seized by Violence, and condemned without a Crime to that Condition which he dreads and abhors.

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• Nor is he only deprived of that Tranquillity and Content which every Man proposes as the End of his Labours, by the Dread of Oppression, or of the Penalties incurred by endeavouring to escape it, but is debarr'd from the Assistance of his Relations, and the kind Offices of his Friends; he is stripp'd at once of every thing that makes Life valuable. He is dragg'd to Tyranny and Hardships, he is punished for endeavouring to avoid them, and involves in the same Misery with himself, any Friend whom Charity or Gratitude shall prompt to protect him.

• To infer from the Scarcity of Seamen, that such Severities are necessary, is to consult nothing but that Lust of Dominion by which Men are often incited to use violent Measures, lest they should seem to make too great Concessions by Softness and Moderation. The Scarcity of Seamen, if such there be, must be imputed to the Hardships to which they are now expos'd, and it seems not very likely, when less Injuries have diminish'd their Numbers, that greater will increase them.

• Sir, Men have been long discourag'd from entering into the Ships of War, by every Method that could be made Use of to disgust and offend them; Oppressions and Exactions have been too frequent among the Officers; Mock-Expeditions have rais'd their Expectations only to deceive them, and sudden Discharges at Places remote from Opportunities of Employment, have plung'd them into Distress, and reduc'd them to Beggary. Surely when Men have been thus treated, it is no Crime to decline a Submission to Cruelty, nor ought they to be punish'd for that Detestation of the Service which is produc'd only by the Conduct of others.

Mr. Clutterbuck.

SIR,

• As the Question is not at present whether the Bill shall pass or whether it shall be read a second Time, I think any Disquisitions upon the Methods propos'd in it unreasonable and superfluous, and shall therefore not at present either offer or answer Objections. But if there be what no Gentleman has denied, a Necessity of finding out some Method of manning the Fleet, I conceive that every Scheme for that End deserves to be consider'd; for by considering and even rejecting bad Measures, we approach nearer to the Discovery of good ones.

Mr. Clutterbuck.

• On such Occasions as this, Sir, the most expeditious Method

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Method of Proceeding is undoubtedly the best; and as it is less tedious to amend an Imperfect Bill than to draw up a new one, it will be right to consider this in the regular Way; we may then reject such Clauses as cannot be approved, and substitute others which shall be suggested, less liable to Objections.

The Bill was order'd to be read the Second Time, and to be printed for the Use of the Members, that it might be thoroughly examin'd and understood.

Read a first time, a Bill for the better securing the Freedom of Parliaments, by limiting the Number of Officers in the House of Commons.

Read a first Time, a Bill for supplying the City of Gloucester with fresh Water.

Heard Counsel farther on the Merits of the Reading Election; and several Witnesses were examined in behalf of the Petitioner; and the Counsel for the Petitioner having summed up their Evidence, and the Counsel for the sitting Member having been heard by way of Reply; the Counsel on both Sides were directed to withdraw.

The 28th. Received Copies of all Letters written, or Representations, or Applications made to the Office of Ordnance relating to Stores, Provisions, Ammunition, or other Necessaries for the Use of the Fleet lately under the Command of Sir John Norris.

Read a first time, a Bill to continue an Act for Relief of Debtors, with respect to the Imprisonment of their Persons, and two subsequent Acts for explaining and amending the same; and also to continue an Act for the free Importation of Cochineal and Indico.

Read a second time, a Bill to explain and amend an Act 3d of King James I. for the Recovery of Small Debts, and for the relieving of poor Debtors in London.

Read a first time, a Bill for the better Preservation of the public Roads of that Part of Great Britain called England.

In a Committee went thro' the Bill for the more easy Recovery of small Debts.

The 29th. Received an Account of the Expence of Victualling his Majesty's Land Forces sent on the Expedition to America.

Received a Copy of a Petition of the Levant Company to his Majesty in Council, in this present Year 1740, with the Proceedings thereon.

Ordered, that an Account be laid before this House on what Quantities of Woollen, or other Goods, have been exported from Great Britain for twenty Years, ending at Christmas

Christmas last, to Russia, distinguishing the several Species, Anno 14, Geo.  
and their Value. IL 1740.

Agreed to the Report of Yesterday's Resolution on the Supply, viz. Resolved, That 10,000l. be granted towards the Support of Greenwich Hospital.

That 4948l. 18s. 4d. be granted for Out-pensioners of Chelsea Hospital.

That 10,000l. be granted towards the Maintenance of the British Forts and Settlements in Africa.

That 10,000l. be granted for the farther settling and improving the Colony of Georgia: This last Resolution was agreed to after Debate, on a Division, Ayes 105, Noes

75.

Received a Petition of the Gentlemen, principal Traders, &c. of the Town of Collumpton, in the County of Devon, complaining of the Decay of the Woollen Manufacture, which the Petitioners attribute in great Measure to the running of Wool; and praying relief. Resolved, That this House will, upon the 12th of February, resolve itself into a Committee of the whole House to consider of the said Petition.

Heard Counsel further on the Merits of the Reading Election, and examined several Witnesses, and produced Evidence, in order to justify the Votes of several Persons who voted for the sitting Member, and whom the Counsel for the Petitioner had endeavoured to disqualify: Then the Counsel on both Sides were directed to withdraw: Adjourn'd the further Hearing to February 9.

Feb. 3d. Ordered, That the Thanks of this House be given to the Reverend Dr. Matthew Hutton, for the Sermon preached by him before this House upon Friday last at St. Margaret's, Westminster; and that he be desired to print the same.

Received a Petition of the Graziers, Wool-growers Gentlemen, &c. concerned in Romney Marsh, in the County of Kent, and Places adjacent, complaining of the constant Decrease for 24 Years past of the Woollen Manufactory, in which time the Price of the same has gradually fell from 10l. to near 4l. the Pack; the Decay whereof has already lessened, and must very soon to a great Degree inevitably reduce the Value of vast Numbers of Estates in this Kingdom; and at the same time carry immense Riches to those neighbouring Countries, who have too successfully of late rivall'd us in the Woollen Manufacture: That as the French cannot work up their own Wool into Cloths proper for the foreign Markets, without mixing one Pack of British or Irish Wool with two of their own; the Petitioners hope, if  
effectual

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Geo effectual Methods could be found to prevent the French from having the Wool from Great Britain or Ireland, they would not for the future be able to undersel his Majesty's Subjects in the foreign Markets. And further representing to the House, that a Law to oblige the Owners of all Wool shorn in Great Britain or Ireland, to register the same, and not permit it to be conveyed from the Place of its Growth to any other Part of the Kingdom, but by Land-Carriage, till it be manufactured, seems to the Petitioners to be the most likely way to prevent the Exportation of Wool out of these Kingdoms; and therefore praying the House to take the Premises into Consideration, and give such Relief as to the House shall seem meet.

Ordered, That the said Petition be referred to the Committee, &c.

Received Copies of Letters and Reports from the Captains of his Majesty's Ships at Home, and from Mr. Wallace, Agent for the Transports, relating to the Badness of the Materials put into the Bedding, furnished by the Contractor to his Majesty's Ships.

Read a second time, a Bill for licencing the Importation of Victual from Ireland to Scotland in Time of Scarcity.

Read a first time, a Bill to prevent Inconveniencies arising by Delays of Causes after Issue joined.

Motion made  
by Mr. Sandys  
relating to the  
Sailing of the  
French and  
Spanish Fleets

Then Mr. Sandys presented a Motion in Writing for addressing his Majesty to inform them when the Regency received Intelligence, that the French and Spanish Squadrons failed, which was seconded, as follows, by Mr. Waller.

SIR,

Mr. Waller.

' The Information now moved for, appears to me to be necessary in our Deliberations on the Conduct of the War, that without it we can only conjecture in the dark, and entangle ourselves in an inextricable Labyrinth.

' It is well known, that in War all Motions are in a great Degree to be regulated by those of the Enemy, and that therefore no Vigilance is to be spared by which any Knowledge can be gained of their Designs, nor any Methods omitted of communicating them to those who have the Direction of the War.

' A Ministry may, in conducting military Operations, disappoint the Expectations of their Country, either by neglecting to procure Intelligence, or by failing to make use of those Opportunities which seasonable Information puts into their Power, and they may, when their Designs fail of Success, justify themselves, by proving that they were deceived

ceived by Intelligence, which it was reasonable to believe, Anno 14 Geo. H. 1740. or that better Intelligence was not attainable, or that they made use, however unsuccessfully, of all the Forces that could then be employed, and of all the Advantages that were then in their Possession.

But how shall we judge of our Administration, how shall we know what Confidence we ought to repose in their Prudence and Fidelity, and what Miscarriages are to be attributed to the Chance of War, or superior Force of our Enemies, if we cannot be informed with what Diligence they endeavour at Information, and how early they have Notice of the Motions of the Enemy?

The Sailing, or rather Escape of the Ferrol Squadron, and Departure of the French Fleet, are the most important Events of the present War; Events that threaten very dangerous Consequences, no less than Descents upon our British Colonies, the Conquest of our Dominions, the Slavery of our Fellow-Subjects, and perhaps the Destruction of the brave Vernon, who is secure in the imagined Vigilance of the other Commanders, and may, perhaps in a few Days, see himself surrounded by formidable Squadrons of different Nations, and exposed to the Attack of Forces to which his little Fleet bears no proportion.

‘ Nothing appears more evident, than that we had Opportunities of observing, at least, all the Preparations of the French, and of watching the Moment of their Departure; and that our Force on the Coast of Spain was sufficient to have confined their Fleets for ever in their Harbours, or to have destroyed them at their first Entrance into the open Seas; of which we may justly enquire, why it was not attempted; but shall enquire to no Purpose till we know when they departed, that we may consider the State of our own Forces, and whether our Enemies escaped by our Negligence, Cowardice, or Weakness.’

Mr. Winnington.

S I R,

‘ That we cannot deliberate upon Subjects which we do not understand; and that, therefore, no necessary or useful Information ought to be denied to the House, I shall readily admit: But must observe at the same time, that the Reputation of the House would be very little consulted, in demanding Information which cannot be given. Mr. Win-nington.’

‘ To address his Majesty to inform us of the Time at which the Squadrons of our Enemies sailed, is to enquire of him what it ought to be the highest Care of those Princes

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to

PROI4, Geo. II. 1740. to conceal from him, and which he can only know by having Spies in their Privy Councils.

‘ And of what Importance is it to enquire what Intelligence was brought him, or when he received it, if it appears that his Intelligence must be in its own nature uncertain and dubitable.

‘ That they have left their Ports, is now certain, because they have been twice discovered in different Parts of the World; but as we can now only form Conjectures of their Designs and Courses, so, before they sailed, it was impossible to know, when they were fully equipped, or what Time was fixed for their Departure. It is to be remembered, that they form Measures, and make their Preparations in their own Dominions, and therefore have more Advantages from concealing their Schemes, than we from discovering them.’

Mr. Campbell.

S I R,

Mr. Campbell.

‘ This Motion, which has been represented as unreasonable and absurd, is, in my Opinion, not only proper, but important.

‘ It is important, because it will enable us to judge upon sufficient Foundations, of the Conduct of the Ministry, who are censured by the Voice of the Nation, for having been either defective in Vigilance, or in Activity; for having been either ignorant by their own Fault of the Designs of the Enemy, or perfidiously passive in permitting the Execution of them.

‘ I am far from believing that such Intelligence, as our Ministry is expected to procure, requires any uncommon Subtilty, or any other Agents than are always employed by every Minister, to transmit to them Informations from foreign Courts. Such, I am afraid, are always hovering about our Consultations, and I know not why our Ministers should be less diligent, or less successful than those of other Princes.

‘ If, therefore, such Intelligence might have been obtained, it was criminal not to obtain it; and if the Departure of the Spanish Squadron was foreseen, it ought to be enquired, why it was not prevented; and if it was only known when it was too late to hinder it from sailing, why it was not pursued, or why Succours were not immediately dispatched to Admiral Vernon.

‘ All these Questions can be only resolved, in Consequence of the Information which his Majesty shall give us; and for which, it is therefore, in my Opinion, necessary to Petition.

Henry

Henry Pelham, Esq;

Anno 14, Geo  
II. 1740.

SIR,

‘ How the Regency could be informed of the Intention of the Spaniards to leave their Ports till it appeared by their Departure, or by what Means it can be expected that his Majesty should be now acquainted with their particular Course, or farther Designs, I confess myself unable to conceive.

‘ With regard, Sir, to the Intelligence transmitted from foreign Courts by Agents and Spies, a little Consideration will easily discover that it is not to be trusted. For what can be generally expected from them, but that they should catch Flying Reports, or by Chance intercept uncertain Whispers, that they should enquire timorously, and therefore, for the greatest Part, of those from whom no satisfactory Accounts can be receiv’d, and that they should often endeavour to deserve their Salaries by such Information as is rather pleasing than true.

‘ All the Knowledge that can be obtained of an Enemy’s Designs, must arise from a diligent Comparison of one Circumstance with another, and from a general View of his Force, his Interest, and his Opportunities. And that such Conjectures will be often erroneous, needs not to be told.

‘ Probability, therefore, is, in such Enquiries, all that can be attained, and he that sits idle in the Time of War, expecting certain Intelligence, will see his Enemies enjoying the Advantages of his Folly, and laying hold on a thousand Opportunities which he has neglected to improve.

‘ The War, in which we are now engaged, has been carried on by the Administration with the utmost Diligence and Vigour; nor have any Measures been omitted that could probably produce Success, and the Success of the wisest Measures is only probable.

‘ Should the great Admiral, who is now present in the House, have met the French and Spaniards in the open Seas, by what Art could he arrive at a certain Knowledge of their Designs; he might, by his Acquaintance with the Situation and State of neighbouring Countries, the Observation of their Course, the Periods of particular Winds, and other Hints of Observation, form probable Conjectures, but could never reach to Certainty or Confidence.

‘ It seems to me, therefore, highly improper, to petition his Majesty for Intelligence, which he cannot be imagined to have received, and I cannot agree to any Motion for that Purpose.’

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II. 1740.

Rejected a Motion to address his Majesty, That the House be informed, when his Majesty, or the Lords Justices, first received certain Advices of the sailing of the Ferrol, Brest, and Toulon Squadrons for the West-Indies.

Mr. Sandys then made another Motion, to address his Majesty, that there may be laid before the House Copies of all Letters received from, or written to, Admiral Vernon since his going to the West-Indies. Which being seconded, Mr. Pelham spoke to this Effect:

SIR,

Mr. Pelham.

‘ This Motion, if the Intention of it be limited by proper Restrictions, is doubtless reasonable and just, for the Right of this House to examine into the Conduct of public Affairs, and consequently for calling for the Papers necessary to enlighten their Enquiries, is not to be disputed.

‘ But, as the End of all such Enquiries is the Promotion of the public Welfare, so they are not to be made in a manner by which that End may be defeated. Papers are not to be demanded, which cannot be produced without discovering our own Secrets, and acquainting our Enemies either with that Weakness which we ought carefully to conceal, or that Force which will be most effectually employed if it is not known, and therefore no Preparations are made to oppose it.

‘ It cannot be imagined, but that many of the Papers which have passed between the Admiralty, and the Commander in America, contain Plans of the Prosecution of the War, Observations on the Conditions of our own Colonies, and perhaps Intelligence of the Estate of the Spanish Fortresses and Towns. Many Informations of the utmost Consequence to our Enemies may be collected from those Papers, but nothing can be expected from them, that will enable us to prosecute a parliamentary Enquiry with more Success, since it will not put it in our Power to discover Frauds, Negligence or Treachery.

‘ There are, Sir, other Papers which may indeed be laid before us, without any Benefit to our Enemies, and perhaps with some Advantage to ourselves, the Papers which contain the Accounts of our Preparations and Store, the Lists of our Forces, and the Calculation of our Expences are the proper Subjects of parliamentary Enquiries, and if the Motion be restrained to those, I believe, it will not be opposed by any Gentleman engaged in the Administration of our Affairs. I shall beg Leave to propose these Words may be added, *So far as the same relates to a Supply of Ships, Marines or Land Forces.*’ [The Motion, thus amended, was agreed to.]

Ordered,

Ordered, That Copies, or Extracts of all Letters, and other Papers from Mr. Finch, his Majesty's Minister at the Court of Russia, to either of his Majesty's Secretaries of State, or to the Commissioners for Trade and Plantations, so far as the same relate to the opening of a Trade to and from Persia thro' Russia, be laid before them.

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The Order of the Day being read for the Call of the House, it was moved, that the same be further adjourned till Thursday se'en-night: After Debate, the Question being put, it passed in the Negative; Ayes 84, Noes 107.

Resolved, That the Call of the House be farther adjourned to Tuesday the 31st of March next.

Agreed to the Report of Part of a Bill for the more easy Recovery of small Debts, and ordered it to be farther considered on Thursday.

The 5th. Ordered, that the Thanks of this House be given to Dr. Reuben Clarke, for the Sermon by him preached before this House Yesterday at St. Margaret's, Westminster, and that he be desired to print the same.

Read a first time, a Bill to explain so much of an Act of the 12th of Queen Anne, for providing a public Reward for such Person or Persons as shall discover the Longitude at Sea, as relates to the making of Experiments of Proposals for discovering the Longitude at Sea.

Received a Petition from the Inhabitants of South-Carolina, setting forth, That on the 18th of November last, a most dreadful Fire broke out in Charles-Town, and in less than 4 Hours utterly consumed the best and most valuable Part of the said Town, whereby many Families are reduced to the utmost Distress, and therefore praying Relief, &c. Referred to a Committee of the whole House on the 12th Instant.

Ordered, That the proper Officer do lay before this House, an Account of the several Quantities of Wool that have been seized by any Officer of Excise or Customs within this Kingdom for seven Years past, distinguishing each Year.

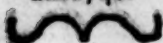
Resolved, That this House will upon this Day eight Weeks, resolve itself into a Committee of the whole House upon the Bills for regulating Trials at *Nisi Prius*, and for the more effectual summoning Special Juries.

In a grand Committee, went thro' the Bill for the better securing the Freedom of Parliaments, by limiting the Number of Officers in the House of Commons, with several Amendments.

Resumed the adjourned Consideration of the Report of the Bill for the more easy Recovery of Small Debts: And examined several Persons as touching their Places and Fees.

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The 16th. Read a second time, a Bill to prevent Inconveniencies arising by Delays of Causes after Issue joined. Resumed the adjourned Consideration of the Report of the Small-Debt Bill, and made a farther Progress.

In a grand Committee went thro' the Bill to render the Laws more effectual for preventing Sheep-stealing; and a Clause was added for the more effectual preventing of the robbing of Orchards and Gardens, and stealing of Wall-Fruit.

The 9th. Received a Petition of the principal Inhabitants of the Borough of Minehead in Somersetshire, complaining of the Decay of the Woollen Manufactures, and praying Relief, &c.

Read a first time, a Bill to indemnify Persons who have omitted to qualify themselves for Offices by taking the Oaths, &c.

Address relating to a Cartel

Resolved, That an humble Address be presented to his Majesty, to give Directions, that Care may be taken to detain all Spanish Prisoners that have already, or shall hereafter be taken during this present War, until they shall be exchanged for some of his Majesty's British Subjects, and that he will be graciously pleased, as soon as conveniently may be, to settle a Cartel with Spain, for the Exchange of Prisoners taken in War.

Heard Counsel further on the Merits of the Reading Election, &c.

The 10th. Received a Petition from the Clothiers, &c. of From in Somersetshire. And another Petition from the Wool-combers, Weavers, Dyers, &c. concerned in making of Druggets at Road and Telsford in the same County, complaining of the Decline of the Woollen Trade, &c. and praying Relief, &c.

Received an Estimate of the Debt of his Majesty's Navy, as it stood December the 31st, 1740.

Ordered that John Meres, Printer of the Daily Post, who was committed on the 3d of December 1740, to the Custody of the Serjeant at Arms, for printing Part of a malicious and scandalous Libel, &c. in that Paper of the first of December 1740, be discharged out of Custody, paying his Fees, upon giving Security to be forth-coming, to answer the Prosecution which this House has addressed his Majesty to carry on against him.

Agreed to the Report of the Bill to render the Laws more effectual for preventing the Stealing of Sheep and other Cattle. Ordered it to be engrossed.

Agreed to the Report of the Bill for the better securing the Freedom of Parliaments, by limiting the Number of Officers

Officers in the House of Commons. Ordered it to be en- Annals, &c.  
IL 1740  
grossed.

Heard Counsel further on the Merits of the Reading Election, &c.

The \* 11th. Read a second time, the Bill to indemnify Persons who have omitted to take the Oaths, &c.

Read a second time, the Bill for the better Preservation of the public Roads of Great Britain.

In a grand Committee went thro' the Bill for licensing the Importation of Victual from Ireland into Scotland in Time of Scarcity.

Read a third time, and passed the Bill to render the Laws more effectual for preventing the stealing and destroying Sheep and other Cattle. Ordered it to the Lords.

Received a Petition of the Clothiers and Stuff Weavers of Kidderminster in Worcestershire, complaining of the Decay of the Woollen Manufactory, and praying Relief, &c.

The 12th. Received several Petitions from Taunton, Midsummer Norton, Welton, Paulton, Temple, High Littleton, and Hallitrow, also from Shepton-Mallet, all in the County of Somerset, complaining of the Decay of the Woollen Manufacture, &c. &c. Also a Petition from Leeds in Yorkshire relating to the same. Sundry Petitions complaining of the Decay of the Woollen-Trade.

Also

\* This Day Mr. Sandys, to avoid the Reflection of a dishonourable Proceeding, in preferring a Charge without giving previous Notice, thought it proper to go from his Place to Sir Robert Walpole, and in a very frank manner told him, that he might take Warning, and prepare to be upon his Guard, for that on Friday next he should bring an Accusation of several Articles against him. Sir Robert paused a little upon so unexpected a Compliment; but thanked him very politely for the Information, and said, he desired no Favour, but fair Play. — Mr. Sandys afterwards mentioned this Affair publicly in the House, and said, he had a Charge to make against an Honourable Member of the House, the Chancellor of the Exchequer, whom he required to be in his Place to hear and answer it on Friday Morning next. — Sir Robert returned for Answer, That he should certainly attend; and as he was not conscious of any Crime to deserve such an Accusation, did not doubt of being able to make a proper Defence, saying, “ Nil conscire sibi †, “ nulli pallescere Culpæ.” Which being misquoted, occasioned a Wager of a Guinea between him and Mr. Pulteney. Sir Robert being convinced of his Mistake, yielded the Wager lost, which the opposite Gentlemen took to be a good Omen on their Side.

† HORACE says nulla — Culpa.

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Also a Petition from the Lord Mayor, Aldermen, and Commons of the City of London, in Common Council assembled; setting forth, That notwithstanding the many Acts of Parliament that have been made to hinder the Exportation of Wool from Great Britain and Ireland, yet the same have not proved effectual to prevent so great and crying an Evil; that to the unspeakable Grief of the Petitioners, and to the absolute Destruction of the Trade and Manufactures of these Kingdoms, great Quantities of Wool are every Year clandestinely exported to France, and other foreign Countries, by Means whereof the French in particular are enabled not only to rival, but even to undersell us in Cloths, and other Manufactures of Wool, in most foreign Markets, to the inexpressible Detriment of the Commerce of these Kingdoms, and their own immense Gain and Advantage; since it is well known that by one Pack of British, or Irish Wool, they are enabled to work up two Packs of their own, which, without that Help, they could not make use of, so as to interfere in any considerable Degree with the Manufactures of this Nation: That, if the public Notoriety of this destructive Practice, is not sufficient to prove how ineffectual the Laws hitherto made have been to prevent the clandestine Exportation of Wool, the Petitioners presume, that the languishing State of our Manufactures at Home, the continual increasing Demand for them at foreign Markets, together with the low Price, to which Wool is already reduced, must fully shew, that more effectual Means are necessary to put a stop to the Exportation of it, and thereby preserve to these Kingdoms that inestimable Gift of Providence, the very Vitals of our Commerce, the chief and almost only Source of the Riches and Grandeur of the Nation; and therefore praying, &c.

Read a first time a Bill to enable the Commissioners of Westminster-Bridge, to raise a further Sum towards finishing the same.

Agreed to the Report of the Bill for licensing the Importation of Victual from Ireland into Scotland, &c. Ordered it to be engrossed.

Ordered a new Writ to be issued out for Electing a Burgess to serve in Parliament for Portsmouth, in the room of the Honourable Charles Stewart, Vice-Admiral of the White, deceased\*.

Read a third time, and passed the Bill for the better securing the Freedom of Parliaments, by limiting the Number of

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\* Vice-Admiral Vernon was elected in his Room without Opposition.

of Officers in the House of Commons. Ordered it to the Anno 14, Geo.  
Lords. II. 1740.

The 13th. The House was moved, that the Journals of the House of the 18th of December 1685, of the 18th of November 1689, of the 7th of December, and 16th of February 1693, and of the 9th of November 1696, in relation to the Proceedings of the House, in the Case of John Cook, Esq; Captain Churchill, the Lord Viscount Faulkland, and Mr. Manley, Member of the House, might be read.

And the same being read accordingly, Mr. Sandys stood up and delivered himself as follows:

SIR,

Among the many Advantages arising from our happy Sam. Sandys, Esq;  
Form of Government, there is one which is reciprocal to King and People, which is, a legal and regular Method by which the People may lay their Grievances, Complaints, and Opinions, before their Sovereign; not only with regard to the Measures he pursues, but also with regard to the Persons he employs. In absolute Monarchies, the People may suffer, they may complain, but tho' their Sufferings be public, their Complaints must be private: They must not so much as murmur against their King's Measures or Ministers; if they do, it is certain Perdition to the Few that are guilty of so much Indiscretion. This is a most terrible Misfortune to the People in all absolute Monarchies, and occasions those severe Punishments and cruel Tortures, which are so frequent in all such; but it is a Misfortune to the absolute Monarch, as well as to the People under his despotic Sway, for as he has no way of coming at the Knowledge of the Unpopularity of his Measures or Ministers, he often goes on pursuing the same Measures, or employing the same Ministers, till the Discontents of his People become universal and furious; and then, by a general Insurrection, he and his Ministers are involved in one common Ruin. However upright his Intentions may have been, however much he may have been imposed on by his Ministers, an impetuous, domineering Mob can seldom make any Difference: The despotic Monarch himself, and sometimes his whole Family, are borne down by the Impetuosity of the Torrent, and become a Sacrifice to the Resentment of an injured Populace.

In this Kingdom, Sir, it can never be so, as long as the King allows Parliaments to sit regularly and freely, and the Members of this House perform faithfully the Duty they owe to their King, their Constituents, and their Country.

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As Members of this House, Sir, we are obliged to represent to his Majesty, not only the Grievances, but the Sentiments of the People, with regard to the Measures he pursues, and the Persons he advises with or employs in the executive Part of our Government; and therefore, whilst we sit here and do our Duty, no general Discontent can arise, without his Majesty's being informed of its Causes, and of the Methods for allaying it: If we neglect to do so, or from selfish Motives abstain or delay giving his Majesty a proper Information and Advice upon any such Occasion, we neglect or betray not only our Duty to our Country and Constituents, but also our Duty to our Sovereign.

' This, Sir, is my Opinion; this must be the Opinion of every Man who has a true Notion of our Constitution; and therefore I can no longer delay making you the Motion, with which I shall conclude what I have to say upon this Occasion. I believe, there is not a Gentleman of this House, who is not sensible, that both the foreign and domestic Measures of our Government, for several Years past, have been dissatisfactory to a great Majority of the Nation, I may say to almost every Man in the Nation, who has not been concerned in advising or carrying them on. I believe, there is not a Gentleman in this House, if he will freely declare his Sentiments, who is not sensible, that one single Person in the Administration has not only been thought to be, but has actually been the chief, if not the sole Adviser and Promoter of all those Measures. This is known without Doors, as well as it is within, and therefore the Discontents, the Reproaches, and even the Curses of the People, are all directed against that single Person. They complain of our present Measures; they have suffered by past Measures; they expect no Redress; they expect no Alteration or Amendment, whilst he has a Share in advising or directing our future. These, Sir, are the Sentiments of the People with regard to that Minister: These Sentiments we are in Honour and Duty bound to represent to his Majesty; and the proper Method for doing this, as established by our Constitution, is to address his Majesty to remove him from his Councils.

' Sir, if the general Discontent, which hath arisen against this Minister, were but of Yesterday, or without any just and solid Foundation, I should expect it would soon blow over, and therefore should not think it worthy of the Notice of Parliament; but it has lasted for so many Years, was at first so well founded, and has every Year since been gathering, from his Conduct, so much additional Strength, that I have for several Sessions expected such a Motion, as I

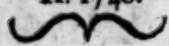
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m now to make, from some other Gentleman, more capable than I am to enforce what he proposes; but as no Gentleman has hitherto attempted it, and as this is the last Session of this Parliament, I was unwilling it should expire without answering the People's Expectations, which, in this respect, are so just, so well founded, and so agreeable to our Constitution; therefore, I hope I shall be excused for attempting what I think my Duty, as a Member of this House, and as a Friend to our present happy Establishment.

After what I have said, Sir, I believe no Gentleman can mistake the Person I mean: I am convinced every one supposes I mean the Honourable Gentleman, who sits upon the Floor, over against me; and the whole House may see, he takes it to himself. Against him there is, I believe, as general a popular Discontent, as ever was against any Minister in this Kingdom; and this Discontent has lasted so long, that I must say, his having withstood it for so many Years, is no great Sign of the Freedom of our Government; for a free People neither will nor can be governed by a Minister they hate or despise. As I am only to propose an Address to remove him from his Majesty's Councils, I have no Occasion to accuse him of any Crime: The People's being generally dissatisfied with him, and suspicious of his Conduct, is a sufficient Foundation for such an Address, and a sufficient Cause for his Majesty's removing him from his Councils; because, no Sovereign of these Kingdoms ought to employ a Minister, who is become disagreeable to the Generality of the People; and when any Minister happens to become so, it is our Duty to inform his Majesty of it, that he may give Satisfaction to his People, by the Removal of such a Minister.

However, Sir, tho' I shall not at present charge this Minister with any particular Crime, I must beg leave to examine a little into his Conduct, in order to shew, that the Discontents of the People are not without Foundation; and if it be true, what was, and is still generally supposed, it must be allowed, that the Methods by which he first advanced himself to the high Offices he has ever since enjoyed, were such as could not but be offensive to every honest Man in the Nation. The making and unmaking the famous Bank Contract; the screening from condign Punishment those who, by their wicked and avaritious Execution of the Trust reposed in them by the South-Sea Scheme, which had ruined many Thousands: The lumping of public Justice, and subjecting the less guilty to a Punishment too severe, in order that the most heinous Offenders might escape the Punishment they deserved; and the giving up to the South-Sea Company

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Company the Sum of seven Millions Sterling, which they had obliged themselves to pay to the Public, a great Part of which Sum was given to old Stockholders, and consequently to those who had never suffered by the Scheme; were the Steps by which he was supposed to have risen to Power, and such Steps could not but raise a general Dislike at his Advancement, and a Dread of his Administration.

Thus, Sir, he entered into the Administration with the general Disapprobation of the People; and I am sure, his Measures since have been far from restoring him to their Love or Esteem. As he began, so has he gone on, oppressing the Innocent, imposing upon the Credulous, screening the Guilty, wasting the public Treasure, and endangering the Liberties of the People. All this I could evince from every Step of his Administration, from the Beginning to this very Day, but I shall confine myself to some of the most remarkable Instances. In general, I shall observe, that by his Advice and Influence a much greater Army has all along been kept up than was necessary for the Support of our Government, or consistent with our Constitution, and even that Army often augmented without any real Cause: That many Squadrons have been fitted out, to the great Expence of the Nation, and general Disturbance of our Trade, without any just Cause, and, I believe, without so much as a Design to employ them effectually, either against our Enemies, or for the Assistance of our Allies: That every Method proposed of late Years for securing our Constitution against our most dangerous Enemy, Corruption, has been, by his Means, rejected, or rendered ineffectual; whilst, on the other hand, many penal Laws have been passed, which have reduced a great Number of his Majesty's Subjects under the arbitrary Power of a Minister and his Creatures: That almost every Article of public Expence has been increased by the Addition of new and useless Officers; and all Enquiries into the Management of any Public Money, either prevented or defeated: That Votes of Credit at the End of a Session of Parliament, which have always been thought of dangerous Consequence to our Constitution, have by him been made so frequent, that few Sessions have passed without one: That the Expence of the Civil List has been vastly increased since the Beginning of his Administration, tho' it was then much greater than it had ever amounted to in former Times. To these, Sir, which are all of a domestic Nature, I shall add, with regard to our foreign Affairs, that ever since his Advice began to be prevalent in our foreign Affairs, the Trade and particular Interest of this Nation have in all Treaties and Negotiations been neglected, the Confidence of our most natural Allies

disregarded,

disregarded, and the Favour of our most dangerous Enemies courted; and that to this most unaccountable Conduct, the present melancholy Situation of the Affairs of Europe is principally to be ascribed.

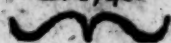
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‘ I know, Sir, it will be objected, that as every material Step in the late Conduct of our Public Affairs, either at home or abroad, has been authorized or approved of by Parliament, what I have said must be look’d on as a general Charge against his Majesty’s Councils and our Parliaments, rather than a personal Charge against any one Minister; but this, upon a due Consideration, becomes the most heavy, and the most evident Charge against the Minister I aim at. According to our Constitution, we can have no sole and prime Minister: We ought always to have several prime Ministers or Officers of State: Every such Officer has his own proper Department; and no Officer ought to meddle in the Affairs belonging to the Department of another. But it is publicly known, that this Minister, having obtained a sole Influence over all our public Councils, has not only assumed the sole Direction of all public Affairs, but has got every Officer of State removed that would not follow his Direction, even in the Affairs belonging to his own proper Department. By this means he hath monopolized all the Favours of the Crown, and engrossed the sole Disposal of all Places, Pensions, Titles, and Ribbons, as well as of all Preferments, civil, military, or ecclesiastical.

‘ This, Sir, is of itself a most heinous Offence against our Constitution; but he has greatly aggravated the Heinousness of his Crime; for, having thus monopolized all the Favours of the Crown, he has made a blind Submission to his Direction at Elections and in Parliament, the only Ground to hope for any Honours or Preferments, and the only Tenure by which any Gentleman could preserve what he had. This is so notoriously known, that it can stand in need of no Proof. Have not many deserving Gentlemen been disappointed in the Preferment they had a just Title to, upon the bare Suspicion of not being blindly devoted to his personal Interest? Have not some Persons of the highest Rank and most illustrious Characters been displaced, for no other Reason than because they disdained to sacrifice their Honour and Conscience to his Direction in Parliament. As no Crime, no Neglect, no Misbehaviour could ever be objected to them, as no other Reason could ever be assigned for depriving the Crown of their Service, this only could be the Reason. Nay, has not this Minister himself not only confessed it, but boasted of it? Has he not said, and in this House too, that he would be a pitiful Fellow of a Minister who

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who did not displace any Officer that opposed his Measures in Parliament?

‘ Can any Gentleman who heard this Declaration desire a Proof of the Minister’s Misconduct, or of his Crimes? Was not this openly avowing one of the most heinous Crimes that can be committed by a Minister in this Kingdom? Was it not avowing that he had made use of the Favours of the Crown for obtaining a corrupt Majority in both Houses of Parliament, and keeping that Majority in a slavish Dependance upon himself alone? Do not we all know, that even the King himself is not, by our Constitution, to take Notice of any Man’s Behaviour in Parliament, far less to make that Behaviour a Means by which he is to obtain, or a Tenure by which he is to hold, the Favour of the Crown? And shall we allow a Minister not only to do, but openly to avow, what he ought to be hanged for, should he advise his Sovereign to do so? It is by Means of this Crime, Sir, that the Minister I am speaking of has obtained the Authority or Approbation of Parliament in every Step of his Conduct, and therefore that Authority or Approbation is so far from being an Alleviation, that it is a most heavy Aggravation of every wrong Step which he has thus got authorised or approved of by Parliament. For this Reason, in considering any particular Step of his Conduct, its being authorised or approved by Parliament, can have no Weight in his Favour, whatever it may have against him. If the Step was in itself weak or wicked, or if it now appears from its Consequences to have been so, its having been approved of, or authorised by Parliament, must be supposed to have proceeded either from his having misled the Parliament by false Glosses and Asseverations, or from his having overawed a Majority by means of that Crime which he has since openly avowed.

‘ Having thus obviated an Objection that may be made against any particular Accusation, as well as against the general Accusations I have already mentioned, I shall just hint at some of the particular Branches of Misconduct he has been guilty of in the long Course of his Administration; and among these, the small Progress we have made in the Discharge of our Public Debt most justly deserves the first Place. It is really surprizing, that the National Debt should now be as much, if not more than it was in the Year 1725, when our Minister first took it into his Head to pull down the overgrown Power of the House of Austria. In the Year 1716, the public Debt was computed to amount to no more than 47,894,950*l.* but by some Articles then omitted, and by many extraordinary Allowances afterwards made, especially those

relating

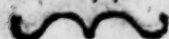
relating to Army-Debentures, in which this Gentleman had a very remarkable Share, the public Debt, as it then stood, was made to amount to 51,000,000*l*. Of this Sum there was, in or before the Year 1725, paid off about 5,000,000*l*. which reduced it to 46,000,000*l*. and as the Sinking-Fund was to receive a great Addition in the Year 1727, by the Reduction of Interest, we had a Prospect of having a great Part of our public Debts paid off in a few Years, especially as the Tranquillity of Europe, or at least of this Nation, seemed to be established by the Treaty concluded that Year at Vienna, between the Emperor and the King of Spain. But our Minister was, it seems, sensible of the Power and Influence he acquired by means of this Load of Debt, and by the many Taxes imposed for the Payment of it. He knew that these Taxes, while they continue, must always make a great Number of Officers and Placemen necessary; and as he had the placing, preferring, and displacing of all these Officers at his arbitrary Will and Pleasure, he knew what Weight this gave to his Influence, both at Elections and in Parliament. For this Reason he has employed all his Art to prevent our being able to pay off any Part of our old debt, or if we paid off with one Hand, he has taken care to make us contract as much with the other, so that the National Debt is now much about the same, or rather more, than it was in the Year 1725, tho' the Nation had never, in all that Time, been involved in any extraordinary Expence, but what has been unnecessarily brought upon it by his Art or Misconduct.

‘ I say, Sir, his Art or Misconduct, either of which is certainly a most sufficient Cause to remove him from his Majesty’s Councils; but I am apt to believe, there was something of Art or Design, as well as Misconduct in it; for he really seems to have been afraid of having our Debts diminished, for fear of the Consequence, which must have been that of abolishing some of our most burdensome and pernicious Taxes; otherwise it was impossible he could have taken so much Pains as he did, to defeat a Scheme offered a few Years since by a worthy Member of this House, for reducing the Interest payable upon the National Debt, and for putting the whole upon a certain Footing of being discharged in a Course of Years, without its being in the Power of any such Minister as he to prevent it. To find Fault with the defeating of this Scheme, may likewise be said to be an Accusation brought against this very Parliament; but it is well known by whom, and by whose Influence it was defeated. I am pretty sure, it is the general Opinion without Doors, that it was not by the Influence of  
Argument;

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as I hope it was, I am convinced, that most of those who were swayed by that Influence, are now sensible of their Error, and heartily wish they had considered better of it; for I am afraid we shall never again meet with so favourable an Opportunity.

But, Sir, the next Step of Misconduct I shall take notice of, is of a different Nature; it is a Step that happened not to meet with the Approbation of Parliament, tho' I do not question its having been supported and enforced by all the Methods usual of late Years, in such Cases. I make no Doubt but every one, who possessed or hoped for any Place or Office under the Crown, were threatned with a Disappointment to their Hopes, or the Loss of the Places they possessed, if they voted against it; and my Reason for not doubting of this is, because several Noblemen and Gentlemen were the very next Year turned out of every Place the Crown could take from them, for no other apparent Reason, but because they or their Friends voted against that ministerial Project; and, so far as I can recollect, I do not remember, that any one who voted against it has ever since obtained a Favour from the Crown, unless it be such, as have, by their Conduct since, shewn, that they heartily repented of their Stubbornness at that Time. I believe every one that hears me will suppose I mean the Excise-Scheme, which was certainly one of the weakest, or one of the wickedest Projects that was ever set on Foot, or countenanced, by any Minister in this Kingdom. If our Minister was sensible of the great Power that Scheme would have placed in the Hands of a Minister, and had really formed a Design to overturn by that Means the Liberty of the People, he ought to be not only removed, but punished for his Wickedness; and if he was not sensible of the Danger that would accrue from that Scheme to our Constitution, if he had really no View, but the precarious Hope of thereby making a little Addition to the public Revenue, particularly to the Civil-List, I must say, his Weakness was amazing; for it shewed, that he neither understood the Genius of our Constitution, nor the Genius of our People. If he had understood the Genius of our Constitution, he could not but be sensible of the destructive Effects that Scheme must necessarily have had upon it: If he had understood the Genius of our People, it is impossible to suppose, he would have advised his Majesty to have forfeited the Affections of the whole People, for the sake of making an uncertain, and at best, but a trifling Addition to the Public, or Civil-List Revenue.

Thus,

Thus, Sir, if he had never been guilty of any other Crime or Oversight, for this Project alone he deserves at least to be removed from his Majesty's Councils; and the Resentment he shewed against those, who voted against this his favourite Scheme, is a Proof of what he now publicly avows, that he has made use of, that he will make use of, the Favours of the Crown, for obtaining a corrupt Majority in both Houses of Parliament. What happened upon this Occasion, is an evident Demonstration, that he has by such Means already got, in a great measure, the Nomination of the sixteen Peers to represent the Peerage of Scotland in the other House of Parliament. We may remember, that seven or eight of the sixteen, who then sat in the other House, declared openly against this Scheme, and prevailed with most of their Friends in this, to vote against it: What was the Consequence? Every one of them, tho' they had great personal Interest among the Peers of Scotland, were, at the next Election, excluded by this Minister's Interest from being rechosen; and every one of them that enjoyed any Post, during the Pleasure of the Crown, had the Honour to be dismissed his Majesty's Service; I say, the Honour, because, in such a Case, I think it is the greatest Honour the Crown can bestow.

It would be endless, Sir, to recount every false Step this Minister has made in the Conduct of our domestic Affairs, and therefore I shall mention only one more, which is the seeming Approbation he procured, but two Years ago, from Parliament, of that Convention which he had just before concluded with Spain. As the Convention itself relates to our foreign Affairs, I shall not here enter into the Merits of it; I shall here consider only the Method he took to obtain a seeming Approbation of it from Parliament, which was by the strongest Asseverations, that the Spanish Court was sensible of its having been in the Wrong to this Nation; that its agreeing to pay 200,000*l.* as he reckoned it, to us in name of Damages, was an Acknowledgment of its having been in the Wrong; and that his Catholic Majesty and his Ministers were strongly and sincerely inclined to do us Justice, with regard to the future Security of our Trade and Navigation in the American Seas; from whence he concluded, that tho' we had not got all we might expect by the Convention, which was but a preliminary Treaty, yet it was a good Foundation to build on; and might probably, if the House agreed to the Address then moved for, produce a solid and lasting Peace; whereas, if the Address should be disagreed to, the immediate Consequence would be a War with Spain.

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I may appeal, Sir, almost to every Gentleman that hears me, if this was not the Strength of the Argument in favour of that Address: I may appeal to many that voted for it; if their depending upon the Truth of these Affe-  
 verations was not the only Reason for their agreeing to so much as a seeming Approbation of that infamous Conven-  
 tion; but from the Consequences, and likewise from the Papers, imperfect as they are, laid before us, it now appears, that there was not the least Ground for any of these Affe-  
 verations. It appears, that Spain insisted upon having our Navigation in the American Seas regulated, that is to say, they insisted it should not be free: That Spain insisted upon our South-Sea Company's paying them a most unjust De-  
 mand of 68,000l. which reduced the Sum they were to pay us by the Convention, to 27,000l. and this was not near the Value of the Ships they had before acknowledged to have been unjustly taken from us, and had actually dispatched Orders to the West-Indies for their Restitution, as appears upon the Face of the Convention itself; so that their agree-  
 ing to pay this Sum was far from being even a tacit Ac-  
 knowledgment of their having no Right to stop and search our Ships upon the high Seas, and to seize and confiscate them, if they had any of those Goods on board, which the Spaniards are pleased to call contraband: It was only an Acknowledgment, that some of our Ships had been, even upon this Footing, unjustly seized, which the Spanish Court had expressly acknowledged, long before the Convention was thought of: These, Sir, were the Terms the Spaniards insisted on; and they farther insisted, as now plainly ap-  
 pears, that we should keep no Squadron at Gibraltar or Portmahon, notwithstanding their being now a Part of the British Dominions; from whence they would, I suppose, have taken Occasion in a short time to insist, against us at least, that they had a Dominion over the Mediterranean, as well as the American Seas, and that our Ships should not fail in the former no more than in the latter, but by their leave, and according to such Directions, or if you please, Regulations, as they should prescribe.

These, I say, Sir, were the Terms of Peace the Spaniards insisted on: Unless we should agree to these hard and dishonourable Terms, the Spanish Court never shewed the least Inclination to live in Peace with us, as appears from the whole Tenor of our Negotiations previous to the Con-  
 vention. Can we suppose that our prime and sole Minister was ignorant of this? Can we suppose that he believed or imagined, that a safe and honourable Peace could be con-  
 cluded with Spain upon the Footing of the Convention, or  
 upon

upon any other Footing; whilst they continued to insist upon such Conditions? What then can we think of the Argument he made use of for obtaining from Parliament a sort of 'Approbation of his Convention? Must not we conclude, that for this Purpose he asserted what he knew to be false? And shall we suffer a Man to sit, and to bear the chief Sway in the Councils of our Sovereign, who, in order to impose a dishonourable Treaty upon his King and Country, asserted in open Parliament what he knew to be absolutely false?

I shall now beg leave, Sir, to take notice of some of the most remarkable Errors, if not Crimes, in our Minister's Conduct, with regard to foreign Affairs. Here too his Administration began with a Measure that could not but be disagreeable to the People, because it was dishonourable to the Nation: It began with a Treaty of Peace with Spain, by which we agreed to restore the Ships we had taken from that Nation in an open and just War; and with a Negotiation, I shall not say an Engagement, to restore Gibraltar and Port-Mahon, without stipulating any Thing for the Advantage of this Nation, or obtaining an Explanation of those Treaties, which even then had been misrepresented on the Part of Spain. Soon after this, he entered into that close Friendship and Correspondence with the Court of France, which, to the infinite Disadvantage of this Nation, has continued ever since, and which has now at last brought the Balance of Power into the utmost Danger, if not to inevitable Ruin. But the most remarkable and the most pernicious of all his pernicious Measures was, the Conceit he took into his Head in the Year of 1725, that the House of Austria was grown too powerful, and ought therefore to be pulled down. This Conceit, whether his own, or of French Original, made him infuse into his late Majesty those frightful Notions of the dangerous but impracticable Engagements, which the Emperor and Spain had entered into, by the Treaty concluded between them at Vienna in that Year; and this produc'd the Treaty of Hanover, which loaded this Nation with the Expence of several useless Squadrons, a great Addition of useless regular Troops, and which was the most useless of all, a great Body of Hessian Troops for several Years, and large Subsidies to foreign Princes, whilst our Allies the French, who had certainly more to fear than we had, from that Conjunction between the Courts of Vienna and Madrid, neither put themselves to any Expence, nor pick'd any Quarrels either with Spain or the Emperor; but pursued their Trade in safety, during the Time that our Trade to Spain was entirely stopt, and our Trade to every other Part of the World

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interrupted by Spanish Privateers, fitted out and manned by French Subjects.

I need not mention particularly the several Negotiations, Preliminaries, Pacifications, Conventions and Treaties, which this Treaty of Hanover gave Birth to; for every Negotiation we have carried on, and every Treaty we have concluded since that Time, may be said to proceed from that Original; and every one of them may justly be called a true Copy of the Original. They have been a perfect Series of Blunders, and, like a Nest of Pill-Boxes from Germany, seem to be enclosed in one another, with nothing but Emptiness in any of them; for I defy any Man to shew me one Advantage this Nation has reaped from any Treaty we have negotiated for twenty Years past. From the last Treaty, indeed, I mean the Convention, it may be said, we have reaped some Advantage, because it fore'd us into a War, which is certainly more eligible than the destructive and dishonourable Method of Negotiation, we had for so many Years before been involved in; and this War might have been attended with a real Advantage, if our Minister had thought fit to push it, either with Vigour or common Discretion; but in the Prosecution of the War he has acted more weakly, or more wickedly, than he did in the Time of Peace. In Time of Peace, he made us become the Scoff of the Nations around about us, by the Tediousness and Perplexity of his Negotiations: In Time of War, he has made us an Object of Scorn to our Enemies, and an Object of Pity to our Friends, by the Vastness of his Preparations and the Pusillanimity of his Actions. Our Trade has been both oppressed and neglected for the Sake of fitting out mighty Squadrons; and our Squadrons have been sent out, either with Orders to do nothing, or without Materials proper for doing any Thing. By this Conduct, Sir, our Enemies have been enriched with our Spoils, and our own People oppressed with Armies, which either should not have been raised, or should have been sent out to vindicate the Honour of their Country. Shall we in this House sit still and see the Councils of our Sovereign directed by a Minister, who has thus, both in Peace and War, exposed our Country to Scorn and Derision?

I beg Pardon, Sir, for taking up so much of your Time; but the Subject is so copious, that it is difficult to pick out those Facts that are most proper to be mentioned; and every Part of his long Administration is full of such oppressive and dangerous Schemes, or such unaccountable Blunders, that it is not easy for one who has a true Regard for his King and Country, to pass any of them over in Silence. I have mentioned but a few; what I have mentioned will shew, that

that the Discontents of the People are far from being groundless: but suppose they were, they would nevertheless be a sufficient Foundation for the Address I am to propose: for no Man, who has been so unfortunate as to incur the public Hatred, ought to have any Share in his Majesty's Confidence or Councils. If his Majesty were sensible of it, I am sure, he has such a Regard for the Affections of his People, that he would not allow such a Man to approach his Person or Palace; and as it is our Duty to inform his Majesty, how detestable this Minister is to the Majority of his People, we ought to take the proper Way for giving our Sovereign this Information, which is, by addressing him to remove such a Minister from his Councils.

• But farther, Sir, suppose this Minister had never been guilty of any Crime, Error, or Oversight in his public Conduct; suppose the People had all along been perfectly pleas'd with his Administration, yet the very Length of it is, in a free Country, sufficient Cause for removing him. It is a most dangerous Thing in a free Government, to allow any Man to continue too long in the Possession of great Power: Most Common-wealths have been overturned by this very Oversight; and in this Country, we know how difficult it has often proved, for our Parliament to draw an old Favourite from behind the Throne, even when he has been guilty of the most heinous Crimes. I wish this may not be our Case at present; for tho' I shall not say, nor have I at present any Occasion for shewing, that the Favourite I am now complaining of has been guilty of heinous Crimes, yet I will say, that there is a very general Suspicion against him, that this Suspicion is justified by the present Situation of our Affairs both at Home and Abroad, and that it is ridiculous to expect, that any proper Discovery should be made, as long as he is in Possession of all the Proofs, and has the Distribution of all the Penalties the Crown can inflict, as well as of all the Favours the Crown can bestow. Remove him from the King's Councils and Presence; remove him from those high Offices and Power he is now possessed of, if he has been guilty of any Crimes, the Proof may then be come at, and the Witnesses against him will not be afraid to appear: Till you do this, it is impossible to determine, whether he is guilty or innocent; and, considering the universal Clamour against him, it is high Time to reduce him to such a Condition, as that he may be brought to a fair, an impartial, and a strict Account. If he were conscious of his being entirely innocent, and had a due Regard to the Security and Glory of his Master and Sovereign, he would have chose to have put himself into this Condition long before

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fore this Time : Since he has not thought fit to do so, it is our Duty to endeavour to do it for him ; and therefore I shall conclude with moving, That an humble Address be presented to his Majesty, that he would be graciously pleased to remove the Right Honourable Sir Robert Walpole, Knight of the most noble Order of the Garter, first Commissioner, Chancellor and Under-Treasurer of the Exchequer, and one of his Majesty's most Honourable Privy Council, from his Majesty's Presence and Councils for ever.

Mr. Pelham.

SIR,

Mr. Pelham.

As we have often been threatened with some such Motion as this, I have for a long time expected it with Impatience, because I imagined, they who thus threatened had made some Discoveries, which the World had never been in the least apprised of. I little expected they would have attempted to blacken the Character of an Honourable Gentleman, who has served his Country for many Years, in many high Offices, and in three several Reigns, and always, in my Opinion, with great Wisdom and Integrity : I say, I little expected to find any Attempt made to blacken such a Gentleman's Character, upon bare Surmises and general Arguments, which have been all fully answered, again and again, both within Doors and without ; and I must say, I am very much surpris'd to find this Attempt made by Gentlemen, who have never been suspected of being Enemies to our present happy Establishment. If the Nation had now again been so unfortunate, as to have a Majority of this House consisting of such as were secret Enemies to the Protestant Succession, I should not have wonder'd to find this Gentleman's Character attacked, as it has been once before by such Men : I should not have wonder'd to have heard a Motion made for removing him from his Majesty's Councils and Presence, for this very Reason, because he has shewn, that he deserves to be there ; but I am surpris'd to hear such a Motion made by those, who have always profess'd, and I believe sincerely profess'd, themselves Friends to our happy Constitution, and to that upon which it depends, our present happy Establishment ; because such a Motion upon such a slender Foundation I take to be inconsistent with both.

I shall grant, Sir, that this House may address the King to remove any one of his Servants : I shall grant, we have Precedents for such an Address ; but I will say, the Precedents are very few, and I believe, no one upon our Journals for removing a Minister, who was not accused of something that was acknowledged to be a Crime. Is this the Case at present ?

present? Has the Honourable Gentleman who made you the Motion, mentioned any one particular Fact that is acknowledged to be a Crime? He says, the Gentleman he desires to be removed, is an unpopular Minister: That he has incurred the Hatred of the People in general; and that no Man ought to be continued in his Majesty's Councils or Presence, who has had the Misfortune to do so. This Argument, Sir, has, I think, the Misfortune to labour under two Imperfections. The Premises I must look on, as a sort of begging the Question; and the Conclusion is not, I think, deducible from the Premises. The Honourable Gentleman, whose Conduct is the Subject of this Debate, may not, perhaps, be the Minion of the Mob, which no Minister ever can, who pursues, wisely, steadily, and invariably, the true Interest of his Country; especially, if he continues for a great Number of Years to have a principal Share in the Administration: The Populace in all Countries love to be diverted with Changes, and astonished with extraordinary Events; and therefore they are apt to grow weary of a Minister who continues long in Place, and does not, with or without Reason, involve his Country in War, which is the only Method by which he can entertain them with wonderful Events. But that this Gentleman has incurred the Hatred of the better sort of People in general, I believe, will appear to be a Mistake, by the Fate of this very Motion; for as the Members of this House are their Representatives, I shall always judge of their Sentiments by what appears to be the Sentiments of the Majority of this Assembly.

‘ However, suppose, Sir, it were indubitably true, that this Minister had incurred the Displeasure of the Majority of all Ranks of People, I do not think this a good Reason for branding his Character with such a Stigma, as an Address of this House to remove him from his Majesty's Councils and Presence for ever. A famous Poet, who shewed himself a good Politician, as well as an excellent Judge of Mankind, has, in talking of a virtuous Man, laid this down as a Maxim;

*Non sumit aut ponit secures  
Arbitrio popularis auræ.*

The People, even those of the better sort, are but very bad Judges of a Man's Virtue or Wisdom, and they are much worse Judges of a Minister's Conduct in political Affairs; for in order to judge rightly of this, we must have a thorough Knowledge, not only of the Interests and Circumstances of our Country, but of the Circumstances, Interests, and Views of all the foreign Courts we have any thing to do with; and

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in order to know the Views of foreign Courts, we must be perfectly acquainted with the Characters of those who bear the principal Sway at each. Can we suppose any Man of inferior Rank to have such a Knowledge? It is a Knowledge, Sir, that can be acquired by none but those of high Rank, or such as have been in some eminent Station; and therefore we are not to condemn the Conduct of a Minister, for no other Reason but because it is complained of by the Majority of the People, nor ought such a general Complaint to be admitted as a good Reason for removing him from the King's Councils or Presence. Among the many other Perfections of our Constitution, this is one, and none of the least, that the Common-wealth is not to be deprived of the Service or Advice of a wise and faithful Magistrate or Minister, for no other Reason, but because a general, but groundless Clamour has been raised against some Parts of his Conduct; therefore, whatever Clamours may have been raised against some Parts of his Conduct, they ought not of themselves to be of any Weight in this Debate, even tho' it were proved, that the Honourable Gentleman, now desired to be removed, had all along had not only the chief, but the sole Direction of all our public Affairs, which has not been attempted to be proved, tho' I confess, it has been strongly asserted; but if I should take upon me to assert the contrary, I must think I have an equal Title to be believed, because, considering how long, and in what Stations I have served his Majesty, my Knowledge of the Fact must be at least as well founded, and I hope, my Veracity is equally to be depended on.

The Grounds of the Clamours and Complaints, either within Doors or without, are therefore to be strictly examined, because they are the only Arguments that can have any Weight in this Debate; and as there has been nothing new advanced upon this Head, whatever Pleasure Gentlemen may take in repeating the Objections that were made, at the respective and only proper Times, to the several Steps of our public Conduct now complained of, I hope, Sir, they will pardon me, if I do not take up your Time with repeating the Answers then made to them, which were so satisfactory, that all the Measures now complained of, except, I think, but one, met with the Approbation of one or both Houses of Parliament, or with the final Approbation of either; but, so far as it proceeded, it met with the Approbation of this House, and it was not dropt because it was bad in itself, but because of the Spirit that had been raised against it without Doors. In all Countries there are certain Prejudices which nothing but absolute Power can get the better of. In this Country a general Excise has been made such a Bugbear, that the People

ple are frightened at every Thing which has but the least Resemblance of it; and this was the Case with regard to the new Method then proposed for raising the Duties upon Wine and Tobacco, which might as well have been called a general Massacre as a general Excise. A general Excise, Sir, is when a Duty is laid upon every Thing a Man can eat, drink, or consume; and that Duty raised not upon the Importer and Manufacturer, but upon the Retailer and Consumer. This, indeed, would be a terrible Grievance; but was there any Thing like this in the Excise Scheme? At that Time there were, and are still, heavy Duties upon Wines and Tobacco: These Duties had before been raised by Way of Custom upon the Importation, which had occasioned great Frauds and Abuses; therefore, to prevent these Frauds, and to encourage the fair Trader, it was proposed to raise them, for the future, not upon the Consumer, for this would have look'd something like a general Excise, but upon the Retailers, and upon them only. This, I still think, Sir, was neither a bad, nor an oppressive, nor a dangerous Scheme; but if, upon a more mature Deliberation, it had appeared to be so, the Honourable Gentleman, who first patronized it, is not to be condemned, because as soon as he saw that the People thought it so, tho' he perhaps thought otherwise, yet he freely gave it up. Ministers, Sir, are not infallible: No good Minister will pretend to be so; and therefore, the most we can expect is, that they should alter their Conduct as soon as they discover their Error. One of the wisest and greatest Sovereigns we ever had, tho' advised by a very good and able Minister, fell into an Error: I mean the Case of Monopolies, in Queen Elizabeth's Time; but as soon as she discovered it, she corrected it and upon that Occasion made such a Speech, by Way of Answer to the Address of this House, as ought to be hung up in the Cabinet of every sovereign Prince. The Parliament was so far from condemning the Minister, for his having advised these Monopolies, that this House sent a solemn Deputation to thank the Queen for revoking her Patents, in Answer to which she made the Speech I have mentioned. Therefore, supposing the Excise Scheme to have been a very bad one, we have no Reason to blame any Minister for it; because it was given up as soon as it was found to be disagreeable to the People.

As to the Methods that were taken in the Year 1721, for restoring public Credit, and for punishing those who had brought it to the very Brink of Destruction, they were so much approved of at that Time, both within Doors and without, that I am surprized to hear them now com-

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plained of. The public Credit was in a short Time effectually and amazingly restored, and the Guilty were condignly punished, without either Severity or Partiality; and by reducing the Interest payable to the Proprietors of the South-Sea Stock, as it was then augmented and established, a most extraordinary Advantage has accrued to the Public. These Facts are so notorious, and the Arguments in Favour of what was done at that Time, are so recent in every Man's Memory, that I should not trouble you with Proofs of the former, or a Repetition of the latter. And for the same Reason, I think it unnecessary to trouble you with a Re-justification of the Hanover Treaty, or any of the Measures consequent thereupon. But as to the Complaint relating to the Convention, and the Arguments made use of in Favour of the Address proposed, when that Treaty was under the Consideration of this House, as it is something new, I shall beg leave to make some few Remarks upon it.

In the first Place, I must observe, Sir, that those who make this Complaint seem to have forgot the Station in which the Honourable Gentleman, whose Character is now attacked, has always served his Majesty. Even suppose he were, as they represent him, the chief and sole Minister, it would be impossible for him to govern and direct all our foreign Negotiations, as well as all the Affairs of the Treasury. He must leave the Management of our foreign Affairs to others, and must take his Information, as to Facts, from those that are entrusted with the Management of them; therefore, when he is to talk of them in this House, or any where else, he may be imposed on as well as others; and consequently, suppose he had said in this House, that his Catholic Majesty was inclined to live in Peace with this Nation, or that the Spanish Court seemed willing to agree to reasonable Terms for securing our Trade and Navigation in the American Seas, when in Fact it appeared to be otherwise, we are not from thence to conclude positively, that he affirmed what he knew to be false: It would be more charitable, and, I am sure, more consonant to his Character, to suppose, that he had himself been imposed on, and that he had given more Credit to our Negotiators, for he was himself none of them, than they deserved.

But, Sir, I am still of Opinion, that the Facts were not otherwise. I am convinced his Catholic Majesty himself was inclined to live in Peace with this Nation; and I am convinced the Court of Spain would have given us Security for the Freedom of our Trade and Navigation in the American Seas, if any Method could have been contrived for preventing the illicit Trade carried on with their Settlements in

in America. This a little Time might probably have produced, if the People here could have been prevailed on to have had Patience, and in that Case, the Convention would have proved a good Foundation for a solid and lasting Peace; but nothing would satisfy the People here, but immediate Satisfaction and Security, or an immediate War. We know who they were that instigated the People to be so peremptory in their Demands; and I shall not scruple to own it as my Opinion, that, by the violent Spirit stirred up among our People here at Home, our Ministers, of whom the Gentleman now complained of is but one, were, in some measure, forced into Measures that have since forced the Nation into a War.

Gentlemen may say what they please of the Sum of Money agreed by Spain to be paid to us, for the Damages we sustained by the Depredations; but, Sir, I will now again affirm, that they agreed to pay us 200,000*l.* and would have immediately given Orders for the Payment of it upon their Governors in the West Indies; but we know the Tedioufness of these Payments, therefore we insisted upon having it in ready Money, and upon that Condition we agreed, I think, wisely agreed, to allow 45,000*l.* for prompt Payment, which reduced the 200,000*l.* to 155,000*l.* and out of this it was both reasonable and just, to allow them to deduct what was due to them, on Account of the Ships agreed to be restor'd to them by the Treaty in 1721, amounting to 60000*l.* which reduced what they had agreed to pay to us on Account of Damages to 95,000*l.*

Thus, Sir, it appears, that they had actually allowed us 200,000*l.* in lieu of Damages. This was a great deal above the Value of all the Ships they had ever before acknowledged to have been unjustly seized or taken from us; and therefore, their agreeing to pay us this Sum, was a tacit Acknowledgment of their having been in the wrong; and, without any Regard to what was due to them from our South Sea Company, the Balance as I have stated it, and as it was stated by the Convention, would, I believe, have been paid to us at the Time appointed, if we had recalled our Squadron from Gibraltar; but, considering the violent Spirit that prevailed here at Home, our Ministers could not venture to do so, for fear of having our domestic Tranquillity disturbed by some furious, popular Commotion; and the Court of Spain looking upon the Continuance of our Squadron at Gibraltar as an Insult upon their Crown and Kingdom, refused to pay the 95,000*l.* stipulated by the Convention. That they had no Right to look upon our keeping a Squadron at Gibraltar as an Insult, is certainly true; for

Anno 14, Geo II. 1740. as it is now the Property of Great Britain, we may always keep a Squadron there if we please; but, as we had never before done so, as we had never sent or kept a Squadron there, unless when we had a Dispute with some of the neighbouring Powers, and as we had then no Dispute with any neighbouring Power, except Spain, it was naturally to be supposed, I believe, all Europe did suppose, that we kept our Squadron there, with a Design to oblige the Spaniards to perform punctually what they had promised by the Convention; and in this Light it must be admitted, that the Court of Spain had some Reason to look upon it as an Insult; for, tho' I should be very ready to do a Man Justice, I should not like to have him stand with his Cane over my Head till I did it: I should certainly disdain to do him Justice, as long as he stood in that Posture.

From hence we may see, Sir, that the Arguments made use of in favour of the Address proposed, when we had the Convention under our Consideration, can be no Objection to the Character of the Honourable Gentleman attacked by this Motion; and as to our Conduct of the War, it is, I am sure, what he has nothing to do with, any other way than as being one of his Majesty's Council; so that whatever can be said against our Conduct of the War, must militate against every Member of his Majesty's Privy Council as much as against him. But the chief, and, indeed, the only proper Charge that has been made against him is, his having endeavoured to obtain a corrupt Influence over a Majority in both Houses of Parliament; for that he has already obtained such an Influence, will not, I hope, be expressly affirmed, however strongly it may be insinuated. This is, indeed, a heavy Charge; but surely Gentlemen do not expect we should take this upon their *ipse dixit*. It is a Fact which, if true, may certainly be proved: Let any one Member of this House rise up, let any one who has been a Member come, and say, that the Person now accused ever desired him, or tempted him either by Threats or Promises to vote against his Conscience in Parliament; and we shall then have it in our Power to consider the Weight of the Evidence offered; but surely we ought not to condemn a Man upon a general Charge unsupported by any Proof.

The Gentlemen, it is true, Sir, who have brought this Charge, have offered two Things in Support of it, which require an immediate Consideration. The one is, a sort of presumptive Proof, and the other, a pretended Confession. I shall beg leave to examine both; and first, as to the presumptive Proof, they say that several Persons, and some of high Rank, have been turned out of every Office and Employment

ployment they held at the Pleasure of the Crown, for no other apparent Reason, but because they or their Friends opposed this Minister's Measures in Parliament. Here, Sir,

I must observe, that the King has, by our Constitution, an unlimited Prerogative to employ what Servants or Officers he pleases in the executive Part of our Government, and may employ or displace whom he pleases without asking the Advice of any Minister; and therefore, the Exercise of this Power can never be charged to the Account of any Minister. I shall grant, that the turning a Gentleman out of his Post in the Service of the Crown, for voting according to Conscience in Parliament, or for opposing any Court-Measure he could not approve of, would be a very wrong and a dangerous Exercise of his Prerogative; but at the same time I must take notice, that an Opposition in Parliament may be such, as will afford a just and legal Reason for turning the Opposer out of the Service of the Crown: When it is indiscreetly and indecently carried on, or when the Opposition proceeds not from Honour or Conscience, but from mere Resentment, because the Gentleman has met with a Denial in some Suit, which his Majesty did not think fit to grant. In either of these Cases, even a Man's behaving or voting in Parliament, will be a good Reason for dismissing him the Service of the Crown. Besides these, a Gentleman may be guilty of several sorts of Offences no way relating to his Behaviour in Parliament, which highly deserve a Dismission from the King's Service; and tho' his Majesty inflicts the Punishment, he may, from his natural Tenderness, and in pure Charity to the Offender, be prevailed on not to publish or declare the Offence. Therefore, when a Member of Parliament is dismissed the Service of the Crown, tho' his Majesty does not think fit to declare the Offence, it is a Breach of Charity in us, and a Failure in Duty to our Sovereign, to suppose, that his Majesty dismissed him for no other Reason, but for pursuing the Dictates of his Honour and Conscience in Parliament.

Now, Sir, with regard to the pretended Confession or Declaration, which has been represented as such a heinous Crime. Suppose the Honourable Gentleman had made use of the very Words that have been mentioned, we ought not surely to take them in a wrong Sense, if they will bear a good one; and therefore we ought to suppose, that he meant, by opposing a Minister's Measures in Parliament, not an Opposition that proceeded from a Conviction of their being wrong, but an Opposition that proceeded from mere Resentment, from a factious Spirit, or from a secret Design to compel the King to comply with some unreasonable

Anno 14, Geo. able Request; and in either of these Cases, I will join with  
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the Honourable Gentleman in saying, That he would be a pitiful Fellow of a Minister, if he did not advise the King to dismiss from his Service, a Man who made such an unworthy Use of his Seat in either House of Parliament.

I have now, I think, shewn, Sir, that no particular Crime has been so much as alledged, much less proved, against the Gentleman whose Character is proposed to be stigmatized by an Address of this House; that no material Objection has been made against any Part of his Conduct, but what has been before answered to the Satisfaction of the Nation, as well as of this House; and I hope I have fully answered every thing new, that has been started in this Debate; therefore I must think, that our agreeing to this Motion would be a most signal Breach of our Constitution, and a most dangerous Encroachment upon the Prerogative of the Crown. We know, Sir, what a Ferment was raised in the Nation in a late Reign, by a Proceeding of this sort; we know how it was then declared, " \* That addressing the King to displace his Friends upon bare Surmises, before the legal Trial, or any Article proved, was illegal, and inverting the Law, by making Execution go before Judgment." Do not now let us fall into the same Error, lest it should produce the same Effects.

Before I conclude, Sir, I must take notice of the Argument drawn from the Length of Time this Gentleman has had a Share in the Administration: If the Form of our Government were altogether Republican, there might be some Weight in this Argument; but this is another Advantage of our happy Constitution, that an able, a good and wise Minister or Magistrate may be continued in the Service of his Country, for his whole Life, without any Danger to our Constitution, because the Attachment of the People to their King and Royal Family, will always prevent any bad Effects from his Ambition; and the Controul of a Master or Sovereign, as well as of two Houses of Parliament, will always prevent his being guilty of very enormous Practices; or will at all Times, even when he is in the Zenith of his Power, be able to discover and punish them, if he should: So that there is as little in this Argument, as in any other that has been advanced in favour of this Motion; and therefore I shall give my Negative to the Question.

Sir John Barnard.

S I R,

Before this Motion was made, I expected and I find, Sir John am not disappointed, that Endeavours would be used to persuade the House, that we ought not to address for removing a Minister, unless we have such Proofs against him, as may be a sufficient Ground for impeaching him. This seems to be the Scope of the Argument made use of by the Honourable Gentleman who spoke last, and if this were to be admitted, there never could be any such Thing as an Address to remove a Minister; for if a Minister has been guilty of Crimes, and if any Member of this House should have Information thereof, and sufficient Evidence for supporting the Charge, he ought not to move for an Address to remove such a Minister; it would be his Duty to lay his Information fully before the House, and to conclude with a Motion for impeaching him, either of High Treason, or of high Crimes and Misdemeanors, according to the Nature of the Charge. The most weak, the most continued Series of blundering Conduct, could never be admitted as a Foundation for addressing our Sovereign to remove him; and thus, if he continued in the Favour of his Prince, which is not at all impossible, he might go on blundering, till he had blundered himself, his King, and his Country into irretrievable Perdition.

I shall grant, Sir, that this House has seldom proceeded to address for the Removal of a Minister, unless he was suspected of something that was acknowledged to be criminal. But this did not proceed from its being necessary to alledge something criminal as a Foundation for such an Address, but because weak Ministers are generally wicked as well as weak: By their Weakness they run themselves into Measures which they find they cannot justify, and for which they ought to be removed, and then to prevent their Removal, they lead themselves into Measures for which they ought to be punished. This is the true Reason why such Addresses have generally been founded upon the Suspicion of Wickedness as well as Weakness; because when there were two Reasons for removing a Minister from the King's Councils, the House was certainly in the right to insist upon both. But let it be Weakness, or let it be Wickedness, for which a Minister is to be removed, will any Gentleman say, that it is necessary to mention particular Facts, and that we ought to have a Proof of these Facts, before we can address for the Removal of a Minister? The Honourable Gentleman talks of bare Surmises and general Arguments, as if they could not afford

Anno 14, Geo II. 1740. <sup>II. 1740.</sup> afford the least Ground for such an Address. Sir, they not only afford some Ground, but they are the only Ground upon which such an Address can be founded; because when there is any Thing farther than a bare Surmise, we ought, as I have said, to go farther than a bare Address.

But by such an Address, it seems, we are to blacken the Character of an Honourable Gentleman who has served his Country for many Years, and during several Reigns, with great Wisdom and Integrity. It is a great Misfortune, Sir, to those who have so high an Opinion of his Wisdom and Integrity, that the general Voice of their Country is against them, and that the Situation of Affairs, both at home and abroad, seems to be a demonstrative Proof against them; but let the Honourable Gentleman's Character for Wisdom and Integrity be ever so great, it cannot be blackened by the Address of this House, because a Man's Character does not depend upon what a Court of Justice does or refuses to do against him, but upon the Opinion the World has of what a Court of Justice ought to do. Should we address the King to remove one that is generally supposed to be an upright and wise Minister, would that Address blacken his Character? No, Sir, it would only blast our own. Should we refuse to address the King to remove one who is generally thought to be a weak and wicked Minister, would that Refusal brighten his Character? No, Sir, but it would blacken the Character of this House in the Eyes of all those who had such an Opinion of him.

I hope Gentlemen will consider this, and if they do, I am sure, they must reflect more seriously upon the Constitution of this House than they seem to do, when they say, that the Sentiments of the Majority of the better Sort of People in the Nation, are to be judged of from what appears to be the Sentiments of the Majority of this House. It is well known, Sir, how unequally the Nation is represented in this House. I believe it will be allowed, that the Cities of London and Westminster, the Borough of Southwark, and the County of Middlesex, contain at least one fifth of the People of the whole Nation, yet they have but ten Representatives in this House, which makes not quite a 55th Part of the Number of Members in this Assembly; and what is very remarkable, I believe, it will appear, whatever may be the Fate of this Motion, that of these ten, there will be eight upon the Affirmative Side of the Question. If we consider our Counties and great Cities, and compare them with our little Boroughs, the Disproportion will be found almost as great, which shews, that we ought not to judge of the Sentiments of the better Sort of People, from what appears to be the

the Sentiments of the Majority of this House; and if we consider, that several Gentlemen of this House take upon them to vote, in many Questions, against the declared Sentiments of their Constituents, the Fallaciousness of this way of judging will appear still more apparent. Therefore, I would not have Gentlemen plume themselves too much in a Majority of this House, or conclude from thence, that they have a Majority of the better sort of People upon their Side of the Question; for if the Members of this House are to be supposed to speak the Sentiments of their Constituents, and if we consider the Places, and not the Persons, that vote upon each Side of the Question, it will appear, that the Sentiments of the Majority of the better sort of People are often very different from what appears to be the Sentiments of the Majority of this House.

‘ If we judge by this Rule, Sir, which is the only proper way of judging, we shall find, that this Minister’s Conduct, almost in every remarkable Step, with regard both to foreign and domestic Affairs, has been disapproved of by a great Majority of the better sort of People in the Nation, tho’ not by a Majority of this House; and I am sure, no Man, who knows any thing of what passes without Doors, will pretend to deny his being complained of, and even exclaimed against by a great Majority of the People. In former Times, Sir, *Vox Populi est Vox Dei*, was held to be a Maxim among all those who called themselves *Whigs*; and even Ministers themselves, of whatever Denomination, were obliged to shew a great Regard to it; but since we have fallen into the Custom of keeping up numerous Standing-Armies, this Maxim has been despised by our Ministers, even by those Ministers that called themselves *Whigs*, and the Populace, or what Ministers and their Friends call, the Mob, has been held in Contempt, as if it were possible to suppose, that the Populace, or meaner sort, can be generally discontented, when the better sort are generally pleased with the Conduct of our public Affairs. The Populace in all Countries are the Servants, and, unless when agitated by some Flash of enthusiastical Madness, speak the Sentiments of the better sort. The latter, as they have something to lose beside their Lives, may not, perhaps, be so ready to break out, or to fall into outrageous Measures against an established Government, but, except in the Case I have mentioned, the meaner sort, or the Mob, never become outrageous, unless they are spirited up by the Discontents and secret Grumbings of their Masters. A wise and a good Minister will always, therefore, aim at Popularity, even amongst the meanest sort of People, because from them he may most certainly

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learn his real Character among those of the better sort. The former have nothing to hope for by flattering him, and much less to fear than their Masters, from uttering those Complaints openly and freely, which are in a secret, or indirect manner, instilled into them by those that give them Bread.

The People, I shall grant, Sir, are in all Countries fond of Changes of Ministers or Magistrates. In free Countries they are fond of them, because such Changes are necessary for the Security and Preservation of the Rights and Liberties of the People; and in absolute Governments, as Ministers and Magistrates are generally oppressive, the People have Reason to be fond of any Change. This Fondness is therefore in all Countries founded upon solid Reasons, and accordingly we find, that People of all Ranks and Degrees, except Ministers, and their Creatures, are equally fond of such Changes; but to say, that the People of any Degree, in a Country that subsists by Trade and Industry, delight in War, is, I think, a very great Mistake. If we examine the Histories of our own Country, we shall find that the Nation has been led into unnecessary and destructive Wars by the Whims of a Court, and that by the same sort of Whims, we have sometimes remained at Peace, when we ought to have declared War; but we shall never find, that the People in general were for entering into an unnecessary War, or for our continuing in Peace when it appeared necessary to declare War. In King James I<sup>st</sup>'s Time, it was certainly the Interest of this Nation, and would have redounded very much to our Honour, to have supported the Protestant Interest in Germany, by entering heartily into that War; but we had at that Time such a pacific Court, that neither the Honour nor Interest of this Nation, nor the Safety of the Protestant Religion, could prevail with our Court to declare War, or to give the Protestants any effectual Assistance. What did the People do upon that Occasion? Did not they declare almost unanimously for War? Did not they exclaim against the then Ministers, for allowing the Palatine Family to be ruined, and the Protestant Religion extirpated both in the Palatinate and in Bohemia. In King Charles II<sup>d</sup>'s Time, we were involved by our Court in two Wars against the Dutch: I believe, no Man will now say, they were necessary: I believe it will now be admitted, that both were contrary to the true Interest of this Nation, and destructive to the Balance of Power in Europe: Accordingly, the People declared against both. And lastly, Sir, I believe, we all remember, how generally the People declared for a War with Spain, long before our Minister could be prevailed on, either

either by the Insults of Spain, or the Complaints of our own People, to declare War against that Nation. The Event has shewn, that the People were in the right. What had been often foretold in this House, at last appeared to be true, that without a War it would be impossible to obtain either Satisfaction or Security from the Spaniards; and surely it must now be allowed, that if we had begun this War eight Years ago, when the Emperor was attacked by the Spaniards in Italy, it would have been greatly to our Honour, as well as Advantage, and might have prevented the present melancholy Posture of Affairs in Europe.

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‘ Thus, Sir, if we examine our own Histories, we shall find that at all Times, when our Ministers and People have differed in Opinion with regard to War or Peace, the People have generally been in the right; and for this it is easy to assign a Reason, because the People can be directed in their Judgment by nothing but the general Interest, whereas Ministers are too often directed by particular Interest of their own, or by the particular Interest, perhaps the particular Whim of their Sovereign, in complying with which, Ministers are apt to be extremely complaisant, for the sake of continuing themselves in Power, especially when they think, they can by Corruption, or any other Method, prevent their being called to an Account in Parliament.

‘ From hence, Sir, we may see, that the Unpopularity of our Minister does not proceed from an unreasonable Fondness in our People for War, or from any childish Desire of being astonished with extraordinary Events, but from their having judged better, and more disinterestedly, of the Circumstances of our foreign Affairs, and the true Interest of their Country; and if he has incurred the Displeasure of all Ranks of People, upon this or any other Account, his Character is already branded: It cannot be farther branded by an Address of this House to remove him: On the contrary, it may by that means be vindicated; because after his Removal, and not till then, a strict and impartial Enquiry may be made into his Conduct, and by that Enquiry his Character may be cleared of those Suspicions that now lie so heavy upon it. This, I say, may be the Consequence of the Address proposed, and then he may again be employed by his Majesty; but whilst he labours under a general Suspicion of Weakness or Wickedness, will any one say, he is fit for being in his Majesty’s Councils, and far less for being his Majesty’s sole Adviser? Let the People be never so bad Judges of a Man’s Virtue or Wisdom: Let the Clamours against the Minister’s Conduct be never so groundless, can his Majesty expect any Confidence from his Parliament,

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while his Councils are directed by a Minister against whom there is a general Suspicion and Clamour.

‘ Surely, Sir, if there be any Connexion between the Sentiments of the Majority of this Assembly, and the Sentiments of the People: If we are to judge of the Sentiments of the People, by what appears to be the Sentiments of the Majority of this Assembly, we may, on the other hand, judge of what will be the Sentiments of the Majority of next Parliament, from what are the present Sentiments of the People; and if the Majority of next Parliament should consist of such as have the same Opinion of this Minister as the People generally have, can his Majesty expect any Confidence from such a Parliament? Can it be expected that they will trust the Government of their Country to a Man, who, they think, will ruin it by his Weakness, or betray it by his Wickedness? Sir, the chusing of a new Parliament, whilst such a Minister is, or is supposed to be the sole Director of our Councils, must necessarily be of the most dangerous Consequence, either to our happy Constitution, or to our present happy Establishment. If the People are left to their free Choice, in the present Humour they are in, they will certainly chuse such for their Representatives as have been the most professed and steady Enemies to him; and among them a Majority may get in of such as are secretly disaffected to the Illustrious Family now upon our Throne, which would certainly be of the most dangerous Consequence to our present happy Establishment. On the other hand, if the People should not be left to their free Choice, if they should be directed in their Choice by Corruption, and other illegal Practices, and thereby a Majority should be chosen consisting of such as are the Creatures and Tools of the Minister, what might we not apprehend from such a Majority during the long Course of a *Septennial* Parliament? Could we expect, that such a Majority would have any Regard to the Liberties and Privileges of the People? Must we not expect, that they would put an End to our happy Constitution, when we consider, that the future Safety both of themselves and their Patron would depend upon its final Overthrow?

‘ It is so apparent to me, Sir, that one or other of these Dangers must be the Consequence of having a new Parliament chosen, whilst such an unpopular Minister is at the Helm of Affairs, that I cannot believe any Man, who considers the Question in this Light, will be against it, unless he be a secret Enemy, either to our Constitution, or to our present Establishment. If there be any amongst us, as I hope there are not, who are afraid of having our Constitution

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tion restored to its pristine Vigour, by the Choice of an independent and free Parliament, they have Reason to be against this Motion: and I am sure, if I were a Jacobite in my Heart, there is nothing I should wish more eagerly than to see a Negative put upon the Question, because I should from thence expect, that my Friends would stand a fair Chance, in every Part of the Kingdom, of getting themselves chosen Members of this House at the next ensuing Elections.

I hope I have now shewn, Sir, that the Minister, proposed by this Motion to be removed, must be allowed to be a very unpopular Minister; that his Character can be no way blackened by this Address farther than it is already, but, on the contrary, may be cleared of the Cloud of Suspicion which now hangs lowering over it; and that his Continuance in Power must be of the most dangerous Consequence, either to our Constitution, or to our present Establishment. I have no Occasion to prove, and, indeed, it is impossible to prove, that he is the chief Adviser and sole Director of all our public Affairs: It is sufficient for my Argument, if he be generally supposed to be so; and that this Supposition is generally without Doors, is apparent from the continual Application made to him in all Branches of public Business: No Man, we see, expects to get any Business done with, or obtain any Favour from the Crown, without making some Sort of Application to him; for if he puts a Negative upon it, that Negative has often been found to prevail against the strongest Interest that could any other Way be made in its Favour. This is the Case, this has long been the Case, with regard to all Affairs of a domestic Nature; and with regard to those that are foreign, do not we know, that some very near Friend of his has been employed in all our Negotiations that were of any great Importance to the Nation? Our other Ministers may, perhaps, have had from him the Liberty to nominate a Resident, or an Envoy to some of the Northern Crowns, or to some of the little Princes of Germany or Italy; but when any important Negotiation was set on Foot with Holland, France or Spain, every one knows who they are that have been always employed, and by whose Recommendation they were appointed; and our many fruitless Negotiations, and as fruitless Treaties, have sufficiently testified their great Abilities.

These Circumstances, Sir, have most justly created a general Supposition, that this Minister has been for many Years, and is still, the sole Director of all our public Affairs; and this Supposition it will be impossible for our other Ministers to remove by simply asserting, that it is not so. I have,  
Sir,

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Sir, a very great Opinion of their Veracity; but this does not depend upon their Veracity, but their Judgment; because an artful Minister may make them believe, they act freely and without Direction, when all but themselves see they can do nothing without his Consent or Connivance. However, I must tell them, that they have not in this Case an equal Title with others to be believed, because their own Honour is very much concerned in the Question; for as a Prime Minister is inconsistent with our Constitution, when any one Minister, by his Favour with the Prince upon the Throne, usurps the sole Direction of all our public Affairs, no Man of Honour will then continue in the Administration, because he does not then serve his Prince, but his Prince's Prime Minister. This is what no Man of any Pretence to Honour will confess, and therefore, when he asserts the contrary, he has not an equal Title to be believed with those, who are neither in Honour nor Interest concerned in the Question.

I therefore wish, Sir, that some Honourable Gentlemen would save themselves the Trouble of denying, that our public Affairs are now under the sole Influence of this Minister, because considering some late Circumstances, and their known Interest in the Question, they cannot expect to be believed, and because the very Supposition of its being so, is sufficient for the Argument I have advanced. The very Supposition that this Minister is a sole and Prime Minister, must expose our present Establishment to Danger at the next general Elections; but this is far from being the only Danger we are exposed to by this Minister's Continuance in Power. We know the present ticklish State of the Affairs of Europe: We know what a Danger the Balance of Power is now in; and we know what a Discredit his past Conduct has brought upon our Councils at every Court in Europe. If he is supposed to continue in the chief Direction of our public Affairs, can we expect a Confidence from any of those Courts? Can we expect, that any of the Potentates of Europe will enter into an Alliance with us, for restoring or preserving the Balance of Power? From Experience we know how little capable he is of conducting any Negotiation; therefore, if he continues but one Year longer at the Head of our Councils, we have Reason to apprehend some false Step or Blunder, which may put it out of the Power of any future Administration to recover our Affairs, or to form any Scheme for securing the Liberties of Europe; and if all the Powers thereof should be obliged to submit to the Direction of our most dangerous Rival, what can this Nation at last expect?

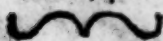
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‘ This Danger, Sir, is so apparent, and is now become so imminent, that our complying with this Motion is, in my Opinion, a Duty we owe both to our King and Country. Suppose I thought this Minister guilty of no Crime; suppose I had approved of every Step of his past Conduct, yet the Weakness of his Measures appears now so plain from their Effects, both abroad and at home, that I should be for addressing to remove a Minister, who had led me, as well as his Country, into such fatal Errors. Political Measures, Sir, are of such an abstruse Nature, and so often admit of a false Gloss, that a Mistake can no Way derogate from the Understanding of those who are obliged to judge of them, without having all the Lights necessary for forming a right Judgment. I know there are many Gentlemen in this House, who have approved of most of this Minister’s Measures: According to the Lights they viewed them in at the Time, they appear’d wise and right; but will any Gentleman now say, they were so? Will any Gentleman now say, the Treaty of Hanover was a right Measure? Will any one now approve of the Measures taken, and the Expence we put ourselves to, in Pursuance of that Treaty? Will any one now say, we ought to have gone precipitately into a general Guaranty of the Pragmatic Sanction, without stipulating the least Satisfaction for any Prince in Germany, with regard to the Claims he had upon the House of Austria.

‘ Surely, Sir, before we entered into that Guaranty, we should have taken care, that more than one Half of Germany should not be engaged in Interest to oppose that which we had guaranty’d. The Claims now set up by Prussia were certainly known to our Ministers, before we guaranty’d the Pragmatic Sanction: For him at least we ought to have stipulated such a Satisfaction, as would in Interest, as well as by Treaty, have engaged him in the same Interest with us. If we had done this, neither the Pragmatic Sanction, nor the Liberties of Europe would now have been in any Danger; and therefore, I cannot think, any Man will now pretend to justify our having so precipitately entered into a general Guaranty of the Pragmatic Sanction: Nay, I believe, even our Minister himself would not have done so, if he had not been forced to it in order to extricate himself out of the Dilemma he had brought himself into by the Treaty of Seville; for however jealous some of the neighbouring Princes of Germany may be, of an Increase of Power in the House of Brandenburg, surely no English Minister could be actuated by any such Jealousy; and therefore, I believe, even our Minister himself would have stipulated Satisfaction for the King of Prussia, with regard to his Claims in Silesia, before entering

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entering into that Guaranty, if he had not been forced to it by the Dilemma I have mentioned.

By these Measures, Sir, and by our neglecting to perform our Guaranty to the Emperor in the Year 1733, the Balance of Power, and the Liberties of Europe have been brought into their present Danger. This Danger is not owing to the Emperor's Death, as the Friends of our Minister endeavour to insinuate; for if we had taken right Measures, if we had not taken wrong Measures, nay; if we had not pursued a long Series of wrong Measures, the Emperor's Death could have made little or no Alteration in the Affairs of Europe; so that the Emperor's Death had nothing in it fatal to the Liberties of Europe, but its happening before this Nation had an Opportunity to get rid of this Minister, and to rectify the Errors it had been led into by him. This, indeed, was very unfortunate, and if he continues but for one Year longer to have the same Influence upon our Councils, I may prophesy, that without some very signal Intervention of Providence, it will be fatal to the Liberties of Europe in general, and consequently to the Liberties of this Nation in particular. At the respective Times these Measures were taken, they were set in such a Light by our Minister and his Advocates, that I do not wonder at their having been approved of by every one, who had any Confidence either in his Wisdom or Integrity; but their Weakness, I shall not say Wickedness, appears now so plain, from the Effects they have produced, that no Man, not even the Minister himself, can approve of them; and therefore every Man must think, he ought at least to be removed for his Weakness. His pursuing such Measures, his undertaking, as he did by the Treaty of Hanover, to pull down the overgrown Power of the House of Austria, may perhaps have proceeded from Wickedness: It may have proceeded from his having a greater Regard for a foreign Interest, because it coincided with his own, than he had for the Interest of his native Country; but this cannot be made appear, as long as he is Master of all the Proofs, and has all the Favours of the Crown at his Disposal; and therefore, the first Step we must take towards discovering his Wickedness, must be to remove him for his Weakness, which, with regard to the general Interest of Europe, must now, as I have said, plainly appear, even to those who have hitherto had the best Opinion of his Conduct.

And now, Sir, with regard to the particular Interest of this Nation, will any one now say, that it was wise or right to allow Spain to amuse us, for so many Years together, with trifling Negotiations, especially as they were, during the whole

whole Time, interrupting our Trade and Navigation, and daily plundering our Merchants? Will any one now say, it was wise or right to conclude with Spain a sham Treaty, called a Convention, without obtaining any Satisfaction for past Injuries, or any Promise of Security against future, nay, without obtaining so much as a Promise for an Intermission of Insults? When any Point happens to be in Dispute, by which the Nation is not exposed to any immediate Loss or Suffering, our Ministers may negotiate about it and about it: They may even conclude insignificant Treaties relating to it, in order to avoid an immediate Rupture, by insisting upon an immediate Discussion; but when we suffer daily and greatly by the Point in Dispute, and have it in our Power to command an immediate Discussion, surely our Ministers ought not then to allow themselves to be amused with tedious Negotiations or unmeaning Treaties; and much less after they have put their Country to a great Expence in preparing for a Rupture, which was our Case at the Time we concluded that insignificant Treaty, called the Convention.

I am really surprised, Sir, to hear an Attempt now made to justify that ridiculous Treaty, or to hear any one say, the Court of Spain had an Inclination to grant us any Satisfaction or Security. Suppose they had by the Treaty expressly allowed, as they did not, that 200,000*l.* was due to us in Name of Damages for the Injuries we had suffered, but that they should out of this 200,000*l.* deduct, upon sham Pretences, no less than 173,000*l.* so as to leave no more than 27,000*l.* to be actually paid to us; must not every one see, that this would have been no more than a complaisant Concession, made by the Ministers of Spain to the Ministers of Great Britain, in order to furnish the latter with something wherewith to amuse their own People? And as it now appears from the Papers upon our Table, that Spain not only insisted upon her Right to search our Ships in the American Seas, but that we had no Right to sail in those Seas, unless we observed what they might be pleased to call a *due Course*; it is very surprising to hear it still asserted, that Spain had ever the least Thought of granting to us a free Navigation, or the least Inclination to live in Peace with us, unless we continued to allow their Guarda Costa's to interrupt our Navigation, and to plunder or seize our Merchant Ships. These Pretences were not set up by verbal Declarations made to our Minister or Negotiator in Spain, but by written Memorials delivered or transmitted to our Court here; and as all these Memorials must have been taken into Consideration in his Majesty's Cabinet Council,

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it is equally surprizing to hear it pretended, that our chief Minister was, or could possibly be, ignorant of them.

I shall conclude, Sir, with a short Reply to what has been said in Answer to the Charge against this Minister, of his having endeavoured to obtain a corrupt Influence over both Houses of Parliament. This the Honourable Gentleman admits to be a heavy Charge; but, says he, it is a Fact which, if true, may certainly be proved; and for this Purpose he provokes any Member to rise up, and say, that the Minister ever desired him, or tempted him, either by Threats or Promises, to vote against his Conscience in Parliament. Can it be supposed, Sir, that any Minister would be such a Fool as to talk so to a Member of this House? Is there the least Occasion for him to expose himself in this manner? Two or three Examples: Two or three Gentlemen being turned out of their Posts, after having opposed the Minister's Measures in Parliament, will be a sufficient Warning or Threatning to all the rest of the Members of either House of Parliament, that hold any Office or Employment at the Pleasure of the Crown, and also to all those that hope for, or expect any Favour from the Crown. By these Examples every one will see, that none of the Favours of the Crown are to be held or expected, but by resigning their Consciences in Parliament to the Dictates of the Prime Minister; and this will be as effectual upon all those of venal Minds or necessitous Circumstances, as if the Minister had taken them one by one aside, and threatened them expressly with the Loss of their Employments, or with a Disappointment to their Hopes, in case they should oppose any of his Measures in Parliament.

This is therefore the only Proof we can have of a Minister's endeavouring to gain a corrupt Influence over both Houses of Parliament; and can it be said, Sir, that we have no Proof of this kind against the Minister now proposed to be removed? Do not we all know, that many eminent Members of both Houses of Parliament have been lately removed from every Office they held at the Pleasure of the Crown, soon after their having opposed some of this Minister's Projects in Parliament, and that no Cause for their Removal ever was, or could be assigned, but their having voted according to the Dictates of their Conscience, in Opposition to the Dictates of the Minister? Do not we all know, that it has been the constant Maxim of his Administration, to confer none of the Favours of the Crown, but upon such as voted according to his Directions at Elections or in Parliament? Nay, Sir, he has gone farther than any Minister before him ever did: He has declared this to be his

his Maxim openly : He has avowed it in the Face of this Anno 14. Geo.  
 very Assembly : and shall we desire or seek for a Proof of II. 1740.  
 a criminal Fact, which the Criminal himself has avowed  
 and boasted of in this very Assembly ?

• The Excuse made for this open Attack upon our Constitution, is a new Confession of the Minister's Guilt. Is the Minister, is the King himself, to take notice of the Opposition made by any Gentleman in Parliament ? Has the Minister, has the King himself, a Right to judge or determine, whether or no such an Opposition be indiscreetly and indecently carried on, or whether it proceeds from Resentment or from Conscience ? Sir, there would be an End of the Freedom of Speech in Parliament, at least with regard to all Gentlemen, who held or expected any Office or Place depending upon the Pleasure of the Crown, if the King himself should assume such a Right ; and therefore, any Minister that advises him to do so, must be guilty of a very high Misdemeanor. If any Gentleman should speak, or behave himself indecently or indiscreetly here, the House would certainly take notice of it ; and whilst a Gentleman behaves himself decently and discreetly, whatever Opposition he makes to any Question in this Assembly, must, and ought to be supposed to proceed from Motives of Honour and Conscience, and not from Motives of Malice or Resentment. If the Crown, or rather the Ministers of the Crown, were allowed a Right to judge in such Cases, every Word spoke against them would be deemed to be indecent, and every Opposition to their Measures would be supposed to proceed from their Malice or Resentment ; and thus they would conclude, they had a just and legal Reason for turning every Man out of the Service of the Crown, that should oppose any of their Measures in Parliament.

• Sir, the King may, it is true, exercise some of the Prerogatives of the Crown without asking the Advice of any Minister ; but if he does make a wrong Use of any of his Prerogatives, his Ministers must answer for it, if they continue to be his Ministers. This, Sir, is one of the Advantages of our Constitution, and it is a very high Advantage ; because it makes it dangerous for Ministers to endeavour to gain a superior Degree of Favour with the King, by humouring the Passions and Fraikies of human Nature, by which Kings, as well as other Men, are too apt to be governed. But this Advantage we lose, Sir, when we happen to have an unpopular Minister, or one who fears the Resentment of the People, and has no way to guard against it, but by gaining a corrupt Majority in Parliament ; for such

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a Man must for his own Safety endeavour to humour his Sovereign in all his Passions and Frailties, for the sake of preserving his Favour, upon which alone his personal Safety, as well as his Power, depends; and if such a Man should, by such Means, solely engross the Favour of his Master, and thereby gain a corrupt Majority in both Houses of Parliament, I should be glad to know what Controul he is under, or by what legal Means our Constitution could be restored. This unlucky Situation we may fall into by having the same Minister too long continued in Power. This Danger we have, I think, some Reason to apprehend from our Minister's being longer continued in Power; and therefore I shall be for agreeing to the Motion now under our Consideration.

Mr. Harley.

SIR,

Mr. Harley.

I do not stand up at this Time of Night, either to accuse or to flatter any Man. Since I have had the Honour to sit in Parliament, I have opposed the Measures of the Administration, because I thought them wrong; and as long as they are, I shall continue to give as constant an Opposition to them. The State of the Nation, by the Conduct of our Ministers, is deplorable: A War is destroying us Abroad, and Poverty and Corruption are devouring us at Home. But whatever I may think of Men, God forbid, that my private Opinion should be the only Rule of my Judgment! I should desire to have an exterior Conviction from Facts and Evidence; and without this I am so far from condemning, that I would not censure any Man. I am fully satisfied in my own Mind, that there are those who give pernicious and destructive Counsels; and, I hope, a Time will come, when a proper, legal, parliamentary Enquiry may be made, and when clear Facts and full Evidence will plainly discover who are the Enemies of their Country.

A noble Lord, to whom I had the Honour to be related, has been often mentioned in this Debate: He was impeached and imprisoned; by that Imprisonment his Years were shortened; and the Prosecution was carried on by the Honourable Person, who is now the Subject of your Question, tho' he knew at that very Time, that there was no Evidence to support it. I am now, Sir, glad of this Opportunity to return Good for Evil, and to do that Honourable Gentleman and his Family that Justice, which he denied to mine.

Mr.

Mr. Pulteney.

SIR,

Tho' it is now very late, yet I did not, at first, think of speaking so early in the Debate, because I had a Mind to have heard first what the Honourable Gentleman had to say in his own Vindication; but since the House seems to be of Opinion, that he ought to be the last Speaker in this Debate, I find my self obliged to alter my Intention, and to give you my Sentiments upon the Question, before I hear what he has to say. As this, I say, seems to be the Opinion of the House, I shall not presume to say it is partial; but I must observe, that it is contrary to the established Practice in all other Cases in this House, and in all other Courts of Justice I have ever heard of; for both in this House, upon all other Occasions, and in all other Courts, the Petitioner or Prosecutor is always allow'd to reply; and if this Method had been observed upon this Occasion, I should have reserved myself for the Reply, in which Case I should have taken particular Care not to have mentioned any new Charge, but would have confined myself entirely to those Facts, that had been before mentioned in the Debate. This should have been my Method, had I been allowed to speak by way of Reply; but now, I think, I may take the Liberty, if I think fit, to take Notice of some Facts that have not been yet mentioned in the Debate; and I hope the House will give me leave to explain a little farther some of those weak or wicked Measures that have been already mentioned.

To begin, Sir, with our foreign Affairs: I must go a little farther back than the Treaty of Hanover, in order to shew the Weakness of that Treaty; and if I can shew, that the Minister, whose Conduct is now the Subject of Debate, must himself have been conscious of the Weakness of that Treaty, it was then wicked in him to approve of it, or to pursue that pernicious Plan of Politics, upon which it was founded. Sir, the Plan, and the right Plan of Politics, which had been pursu'd during the whole Reign of King William, and the whole Reign of Queen Anne, till towards the latter End of it, when a new Ministry began to take new Measures, was to diminish the Power of the House of Bourbon, and add to the Power of the House of Austria, in order to preserve a Balance of Power in Europe. In execution of this Plan we joined, not as Auxiliaries, but as Principals, in two dangerous Wars against France: We expended many Millions; we run ourselves many Millions in Debt, most Part of which remains as yet a Load upon this Nation; and

Anno 14, Geo and the Earl of Oxford, our Minister at the End of the  
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Queen's Reign, was impeach'd the Beginning of last Reign, for not pursuing this Plan. The chief Article against that Minister was, his having, by the Peace of Utrecht, left the Power of the House of Austria too small in Italy and Flanders, and the Kingdom of Spain under a Sort of Dependence upon the Court of France. This I say, was the chief Article of Impeachment against that noble Earl, and this our present Minister could not be ignorant of, because he was Chairman of that very Committee, which drew up those Articles of Impeachment, and was then one of the warmest Prosecutors of that noble Earl.

' To remedy one of the Faults found with the Treaty of Utrecht, we entered into a Negotiation, soon after the Accession of his late Majesty, for giving Sicily to the Emperor, in Exchange for Sardinia, which Exchange was established by the Treaty of London in the Year 1716, and as that Treaty was signed by this very Gentleman, he could not be ignorant of the Plan of Politics upon which it was founded. In support of this Plan, we are obliged to engage in a War against Spain, which occasioned our destroying their Fleet in the Mediterranean in the Year 1718; and this very Plan was the chief Foundation of the Quadruple Alliance, which Spain afterwards acceded to, tho' the Conditions of that Accession are not, as yet, I believe, fully known. Thus we got one of the Faults found with the Treaty of Utrecht amended, and as to the other, it was by the Hand of God very soon removed; for by the Death of the late King of France, and the Regent's setting aside his Will, which, luckily for this Nation, happened soon after his late Majesty's Accession, the Dependence of the Court of Spain upon that of France was remov'd, and an Enmity established between the two Courts, which soon after broke out in an open War.

' By these Means the two chief Faults that had been found with the Treaty of Utrecht, were both rectified; and thus the Affairs of Europe stood, when this Minister began first to have an Influence over our Councils. Whilst a Jealousy, or rather Enmity, subsisted between the Courts of France and Spain, it was reasonable enough for us to keep a Correspondence with the Court of France, especially as at that Time we had a Dispute with the Court of Spain; but as that Enmity ceased by the Regent's Death, and as a good Correspondence was restored between these two Courts, by the young King of France's being married to the Infanta of Spain, we ought then again to have begun to be upon our Guard against the Ambition of the House of Bourbon, and for this Purpose we ought to have continued to cultivate a  
 good

good Correspondence with the House of Austria, and we ought to have endeavoured, by all the artful Means we could think of, to interrupt that Correspondence, which had been re-established between the Courts of France and Spain, and to accommodate all the Differences subsisting between the Courts of Spain and Vienna. According to the Plan of Politics pursued ever since the Revolution, these should have been the Ends proposed in all our Negotiations; and for accomplishing these Ends, a most happy and unlook'd-for Accident occurred by the Court of France's sending back the Infanta of Spain, and getting their King married to his present Queen.

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This, Sir, was one of the most lucky Accidents that could have happened for this Nation, and for Europe, if we had known how to have made the right Use of it. The Court of Spain immediately broke off all Correspondence with that of France, and offered to refer all their Differences with the Court of Vienna to our sole Meditation; but our present Minister had then got almost the sole Direction of our public Councils, and upon this Occasion the Plan of Politics he had laid down to himself, first began to appear: This Plan was, That, as long as the Court of France did nothing to disturb or interrupt his Possession of Power in this Kingdom, he would do nothing that might displease them; but, on the contrary, would do all they desired, and connive at what they had a Mind to do, as far as was consistent with his Safety here at home. This, I say, was his Plan: That it is the Plan he has ever since pursued, I shall make appear from the whole Tenor of his Conduct: And, when we consider the Nature of it, we cannot wonder at his having employ'd such a near Relation, in concerting and establishing such a Plan. — In Pursuance of this Plan, and directly contrary to that Plan of Politics we should have pursued, and for which we had expended so much Blood and Treasure, he refused to accept of this sole Mediation offer'd us by Spain, or to make any Advantage of this Difference that had happened between the Courts of France and Spain. From our refusing to accept of this Mediation, the Court of France had some Reason to hope, that the Difference between the Courts of Vienna and Madrid might remain unaccommodated, till she should find an Opportunity for making up the Breach occasioned by sending back the Infanta of Spain; but the Court of Spain were so irritated at the Affront put upon them, that they resolv'd at any Rate to accommodate their Differences with the Court of Vienna, and for this Purpose they sent a Minister privately to Vienna, by whose Means Treaties of Peace, Guaranty and Commerce, were concluded between

Anno 14. Geo between the two Courts in the Beginning of the Year 1725.  
 II. 1749.

The concluding of these Treaties, Sir, and the good Correspondence thereby established between the Courts of Vienna and Madrid, gave a most just and reasonable Alarm to France. As the Court of Spain was highly and most justly irritated against her, and as the House of Austria was her most dangerous and inveterate Enemy, she had great Reason to be afraid of a close Union between these two Powers: She had even some Reason to fear an immediate Attack. But all the other Powers of Europe, and this Nation in particular, according to our antient and right Plan of Politics, had Reason to rejoice at this Union: Even suppose the Emperor and Spain had jointly attacked France, we might have looked on with Indifference, till one of the Parties had begun to push her Conquest too far. Till this had happened, even the Dutch might have looked on with Indifference; for tho' there was at that Time a Dispute subsisting between them and the Emperor, in relation to the Ostend Company, that Dispute was not of such Consequence as to occasion a Breach; and if the Emperor had, in Conjunction with Spain, resolved to attack France, he would certainly have sacrificed that Company, for the sake of gaining a Neutrality from the Dutch.

Accordingly, Sir, we saw, that the Dutch testified no Apprehensions from those Treaties, or from the close Union thereby established between the Emperor and Spain. But upon this Occasion our Minister's Plan of Politics produced a new Effect, which has been attended with many notable Mischiefs to this Nation, and has now at last overturned the Balance of Power in Europe. As France had most justly taken the Alarm, and found she could not instil any Fear into the Dutch, she had Recourse to our Minister here, in order to fill our Court with Apprehensions from those Treaties, that had been concluded between the Emperor and Spain at Vienna. For this Purpose, she invented a Story of her having had certain Information from Vienna, that there were some secret Articles, by which the Emperor and Spain had agreed to take Gibraltar and Portmahon from us, to defeat the Protestant Succession by restoring the Pretender, and to ruin our Trade with Spain, by granting many considerable Advantages to the Emperor's Subjects; and that the only way we had to guard against these terrible Designs, was by entering into a defensive Alliance with her.

Tho' this Story was in itself ridiculous, because of its being impracticable for the Emperor and Spain to effectuate any of those Designs against us: Tho' both the Emperor and King of Spain expressly denied there being any such

secret

secret Articles; Tho' they invited us to accede to the Treaties concluded between them; and tho' it was very much the Nation's Interest to do so; yet such was our Minister's Influence over our Councils, such his Attachment to the Plan of Politics he had laid down for his own Conduct, that he prevailed on his late Majesty to give Credit to this improbable French-Story, and to conclude with France the Treaty of Hanover in September 1725, which Treaty the King of Prussia was drawn into, by making him believe, that one of the Designs of it was, to restore the Protestants of Thorn, and secure the Observance of the Treaty of Oliva; but he soon saw the other contracting Parties had no such Design, and therefore he soon left them.

Thus, Sir, we were drawn in to secure France against being attacked by the Emperor and Spain, when, according to our antient Plan of Politics, we should rather have promoted that Attack; because we might easily have taken care that neither Side should have pushed the War too far, and, in the mean time our Trade would have greatly increased by the Decay of the Trade of France. I know, Sir, it will be said, that the Minister, whose Conduct is now the Question before us, had no hand in that Treaty, because he was not at Hanover when it was concluded; but as he had then the chief Direction of our Affairs, and as it is very improbable any English Minister at Hanover should conclude a Treaty of such Importance, without the Advice of the Council here, therefore the Treaty's being signed at Hanover, is no Proof of his having had no hand in it. But, I hope, it will not be pretended, that he had no hand in advising the Measures taken in Pursuance of this Treaty; and I shall now shew, that those Measures were more pernicious, and more plainly demonstrated his Dependance upon the Councils of France, than the Treaty itself. The Treaty was no more than a defensive Treaty; and if France had been attacked, we were thereby obliged to furnish her with no more than 8000 Foot and 4000 Horse, and that not till two Months after Application should be made for them; so that we had not, from this Treaty, the least Occasion for putting ourselves to the Expence of augmenting our Army, or of taking any foreign Troops into our Pay, till such an Attack had been actually made; because we should then have had Time enough to provide our stipulated *Quota* of Troops. And suppose there had been some Truth in the Story of the secret Articles between the Emperor and Spain, we had no Occasion to put ourselves to the Expence of sending out any Squadrons, till such Time as we had certain Information of their providing a Fleet of Transports to invade us, because

Anno 74, Geo.  
II. 1740.



we should then have had Time enough to send out a Squadron sufficient for disappointing their Designs.

‘ It is therefore impossible, Sir, to find out a Reason for the Measures we took in Pursuance of this Treaty, any other way than by considering what was the Interest, and what at that Time might be the Views of the Court of France. From thence, indeed, we may find a Reason, and it was, I am fully convinced, the only true Reason. France had a Mind not only to guard against her being attacked, but it was her Interest, and she certainly intended to break that Correspondence which had been established between the Emperor and Spain, and to chastise the Court of Spain a little for daring to take any Measures contrary to her Interest; and both these Ends they intended to accomplish by Means of her Influence upon our Minister, without putting herself to any great Expence, or coming to any open Breach either with the Emperor or Spain. Was this possible? Yes, Sir, by making the Cat’s Paw of this Nation, she accomplished all she intended, and in the manner she intended. The Necessity of pulling down the overgrown Power of the House of Austria, became now the favourite Topic of all our Court-Politicians and Pamphleteers; and in order to prevent the Courts of Vienna and Madrid from carrying their dangerous Designs into Execution, our Minister prevailed upon us to send out two powerful Squadrons, one to insult the Spaniards upon their own Coasts, and another to prevent the return of the Galleons; but as France did not intend, that we should reap any Advantage to ourselves, or do Spain any real Injury, therefore, our Squadron were not to attack the Spaniards either by Sea or Land, but only to persuade them, in case we met with them at Sea, to deliver their Treasure into our Hands, in Trust for the several Parties concerned.

‘ Thus, Sir, France got us to chastise the Court of Spain for daring to take any Measures contrary to her Interest; and then she made a Merit at that Court, of her having prevented us from doing any Mischief to them, notwithstanding their having declared War against us, and openly attacked our Town of Gibraltar. By this Means she laid a Foundation for getting herself reconciled with the Court of Spain, and by Means of that Reconcilement, and her Influence upon our Minister, she accomplished the other Point she had in View, which was to create a new Breach between the Courts of Vienna and Madrid. For this Purpose, his most Christian Majesty became now the Mediator between us and the Court of Spain, and by his Mediation the Treaty of Seville was concluded, which created a new and almost irreconcilable

irreconcilable Breach between the Courts of Vienna and Madrid. Anno 14, Geo II. 1740.

As by this Treaty we were brought upon the Brink of being forced to enter into a War, in Conjunction with France and Spain, against the Emperor, the whole Nation began to take the Alarm, so that our Minister was obliged now to consult his own Safety; and this drove him precipitately into the Guaranty of the Pragmatic Sanction, in order to prevail upon the Emperor to admit the Introduction of Spanish Troops into the strong Places of Tuscany, Parma, and Placentia. The Treaty of Seville being, by this dangerous and rash Step, fully executed upon our Part, it was natural to expect a due Performance on the Part of Spain; but France having now by our Means recovered her Influence over the Court of Spain, and it being highly advantageous for the Trade of France to have Disputes always subsisting between us and Spain, France took Care that Spain should perform nothing of what had been promised on her Part by the Treaty of Seville, except, I think, the Restitution of the Ship Prince Frederick, and perhaps some of the other Ships that had been seized in the Ports of Spain at the Beginning of the Rupture. As to all our other Demands, they remained unadjusted: The Term for adjusting them by Commissaries expired; that Term was again and again renewed, and in the mean time the Spaniards exercised the Right they had set up, of searching our Ships in the American Seas, and seizing such of them as had any Goods on board, which they were pleased to call *contraband*. By this, daily Depredations were committed upon our Merchants in the West-Indies; daily Complaints were made to our Minister here; and thus Affairs stood, when France, in Conjunction with Spain and Sardinia, thought fit to attack the Emperor in the Year 1733, with an avowed Design to strip him of all his Dominions in Italy.

In the Beginning of the late Reign, Sir, the Power of the House of Austria was thought too weak, without the Addition of Sicily to their other Italian Dominions. A Minister had been impeached for leaving that House in such a weak Condition by the Treaty of Utrecht: We had procured him Sicily at the Expence of a War with Spain; because, without that Addition, the Balance of Power in Europe, it was thought, could not be secured. We had, therefore, three Reasons for joining with the Emperor in this new War; one founded upon the general Interest of Europe, because the Balance of Power would be overturned, should the Emperor be stripped of his Italian Dominions: A second founded upon our own Honour, because we had but two

Anno 14, Geo  
II: 1740.

Years before guaranty'd the Pragmatic Sanction, by which the Emperor was induced to admit of the Introduction of Spanish Troops into Italy, which Troops were now employed in attacking him: And a third founded upon our own particular Interest, because we could not otherwise expect to obtain Satisfaction or Security from Spain. These, Sir, were weighty Considerations; but the Plan of Politics our Minister had laid down, prevailed over all these; and we continued idle, tho' not expenceless Spectators, till the Power of the House of Austria was diminished by the Loss of Naples and Sicily, and the Power of France increased by the Accession of Lorain.

During this War, the Spaniards favoured us with some Sort of Intermision of Depredations; but as soon as it was over, they renewed them with more Vigour than ever, and openly boasted of their being encouraged, and that they would be protected against the Effects of our Resentment, by France. As our Trade in general, as well as our particular Merchants, suffered greatly by these Depredations; it was highly the Interest of the Nation to insist peremptorily upon Satisfaction; but as this was contrary to the Interest of France, our Minister's Plan of Politics prevailed over the Interest of his Country, and the Cries of his Countrymen. At last something must be done for his Safety here at home, and at a great Expence a Treaty was obtained, by which we neither got Satisfaction nor Security, but a Foundation for another ten Years trifling Negotiation. This, he found, the Nation was too wise to be amused with, and therefore he found himself under a Necessity of entering into a War against Spain: This War, Sir, the Court of France was obliged to connive at, rather than risk the Loss of a Minister, who had shewn himself so much their Slave; but how was this War to be carried on? According to the Interest of this Nation, it was certainly to be carried on in the most vigorous Manner, in order to make it of a short Duration; and the most exact Care was to be taken of our Trade, because there only the Enemy could hurt us: But according to the Interest of France, the War was to be carried on in that Manner, which might make it the most lasting, and most expose our Trade to suffer by Spanish Privateers; because by this Means, our Trade might at last be ruined past all Redemption, and the Trade of France established so, as to be out of our Power to hurt it. I shall leave Gentlemen to judge, in which of these Methods the War has been hitherto carried on; for if it has been carried on in the latter Method, it is a Proof that our Minister has to this very Day pursued that Plan of Politics, which I have said he laid down

down for his Conduct, at the very Beginning of his Administration. Anno 14, Geo. II. 1740!

I shall beg leave, Sir, to mention two other Facts, as a Proof of this Plan. By the Treaty of Utrecht, the Port and Harbour of Dunkirk were to be destroyed, and never to be repaired; and by a Treaty between his late Majesty and France, in the Year 1717, it was stipulated, That no Port, Haven or Fortification should be made or built at Dunkirk or Mardyke, or any other Place whatever along that Coast, within two Leagues of either of those two Places: Yet, Sir, as soon as this Minister began to have the chief Direction of our Affairs, not only the French began to use Dunkirk as a Port, but it was admitted as such, and as a Flemish Port too, notwithstanding its being in the Possession of France, even upon our Custom-house Books; and great Quantities of French Brandies were not only allowed to be imported from thence, but to be imported as Flemish Brandies, by which they avoided paying the high Duties imposed by Law upon French Brandies. This Point being once gained, the French soon began to repair the Port and Harbour of Dunkirk, so as to make the Harbour fit for receiving very large Ships; and now at last they have begun to repair the Fortifications and erect Batteries; so that in Case of a War with France, we may expect to have our Trade as much infested by Dunkirk Privateers, as ever it was in the last War.

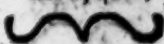
This, Sir, is a farther Proof of our Minister's Complaisance for France; and in order to add another to this, I must observe, that both France and Spain have Irish Regiments in their Service; but tho' those Regiments are said to be in the Service of France or Spain, and receive their Pay from his most Christian or his most Catholic Majesty, yet they are properly in the Service of the Pretender, and acknowledge him for their King and chief Master. Therefore, if it is not Treason, it is something very like Treason, to assist or connive at the Recruiting of those Regiments in any of his Majesty's British Dominions: Yet such was our Minister's Complaisance for France, that, at their Desire, he had like to have incurred being guilty of this Crime. Nay, he would certainly have incurred it, and those Regiments would have been recruited openly in these Kingdoms, and with the Consent of our Administration, if some of those whom he has long look'd on as his Enemies, had not warned him of his Danger; which shews that their Opposition to his Measures did not proceed from Malice and Resentment, as he has always insinuated, but from a sincere Regard to the Good of their Country; for surely a malicious Enemy would have been glad to have seen him commit such a criminal Error, and

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and would, therefore, have taken care not to prevent his being guilty of it, by fore-warning him of his Danger.

‘ Having now, I hope, Sir, sufficiently demonstrated our Minister’s Plan of Politics with regard to foreign Affairs, I shall next endeavour to investigate and demonstrate his Plan of Politics with regard to our domestic Affairs; and here, he seems to have laid it down as a Rule, to govern by the sole Means of Bribery and Corruption; and for this Purpose, to prevent our being able to lessen our Debts, or abolish any of our Taxes, by running the Nation every Year into extraordinary and unnecessary Charges, and by every other Method he could contrive. Upon his first Accession to the sole Direction of our public Affairs, we were in a fair way of being able in a short time to pay off every Shilling of our public Debt. The South-Sea Scheme, by its being so wickedly conducted, had, indeed, ruined many private Men, but it was of singular Service, and might have been made of much greater Service to the Public. Our Irredeemables were thereby made redeemable: The Interest payable upon most of our public Debts was to be reduced in a few Years from *five* to *four per Cent*; and the South Sea Company were obliged to pay off *seven Millions* of our Debts at once, by sinking so much of their Capital. By these Means, the Sinking Fund would have been so much increased, that if it had been religiously applied, our public Debts might have been by this time almost entirely discharged, and all our grievous Taxes abolished; but this would have very much lessened the Minister’s Fund for Corruption, by demolishing many of those Posts and Places which he has at his Disposal; and therefore, according to his Plan, this Effect was by all means to be prevented: The public Charge was to be yearly increased, in order to oblige us to apply the Sinking-Fund to the current Service, or to run as much in Debt with one Hand, as we paid off with the other; and the Land-Tax was to be represented as the most grievous Tax to the Nation, because it furnished him with the least Means for Corruption.

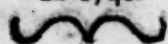
‘ In Pursuance of these Maxims, the *seven Millions* due by the South-Sea Company to the Public was generously released, and the Expences of the Civil-List were so much increased, that a new Debt of 500,000l. was contracted in the Year 1725, for paying the Debts of the Civil-Lists, tho’ the like Sum had been granted to his late Majesty for the same Purpose, but *four* Years before; and upon his present Majesty’s Accession, an Addition of 100,000l. a Year was made to the Civil-List Revenue, besides the 115,000l. which was granted for making good a pretended Deficiency in that Revenue.



Revenue. But what furnished him with the best Pretence for increasing the public Charge, was the famous Treaty of Hanover in the Year 1725. For preventing the Dangers with which Europe was threatened from the overgrown Power of the House of Austria, he did not think it sufficient to put this Nation to the Expence of augmenting our own Armies, and fitting out several Squadrons, but we must likewise take foreign Armies and foreign Princes into our Pay. Surely, Sir, if Europe had at that Time been in any Danger from the overgrown Power of the House of Austria, this Nation was the last, and had the least to fear, therefore we should have been the last that put ourselves to any Expence for guarding against that Danger; and yet we were not only the first, but the only Power in Europe that put itself to any Expence upon that Account. The Dutch that lay most exposed, were so very little apprehensive, that they did not so much as accede to the Treaty of Hanover till near a Year after it was made; and the French who had the most to fear from an Alliance between the Emperor and Spain, put themselves to little or no Expence, nor gave us any Assistance when we were openly attacked by Spain, on account of what we did for preventing the Danger they lay exposed to. Whereas, we took 12,000 Hessians immediately into our Pay, granted Subsidies to the King of Sweden, the King of Denmark, the Duke of Wolfembutte; and what was most extraordinary, the Subsidy to the Duke of Wolfembutte was not granted till half a Year after we had made up Matters with the Emperor, and the Hessian Troops were continued in our Pay for several Years after.

I must therefore conclude, Sir, that all the extraordinary Expence we put ourselves to on account of, or consequent to the Treaty of Hanover, could proceed from nothing but a Design to prevent our paying off any considerable Part of our Debts, or abolishing any of our Taxes; and the abolishing of the Salt-Duty in the Year 1730, in order to diminish the Sinking-Fund, and reviving it again in the Year 1732, in Ease of the Land-Tax, is a farther Proof of this Design. But as it would be tedious to mention all the Arguments that might be brought in Proof of this Design, and as I have taken up too much of your Time already, I shall trouble you with no more of them, except the defeating of that Scheme which was offered to this very Parliament, for reducing the Interest payable upon all our Funds, or for putting it out of the Power of any future Minister to prevent the Nation's getting rid of its Debt by Degrees. We must all remember by what Means, and by whom, that Scheme was defeated; and considering how practicable it was at that Time,

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which, I'm afraid, will never be again, we must, I think, conclude, that the Minister who defeated it could have no Design that our Debts should ever be paid, or our Taxes diminished.

• Before I have done, Sir, with this Minister's Conduct, I must take Notice of one thing which has been too often practised under all Ministers, and that is, the letting of public Securities stand out, without any Fund for their Payment, till they run to a great Discount, when they are bought up by the Minister's Friends and Tools, perhaps in Truſt for himſelf, and then a Fund is provided for paying them off at the full Price. This, I ſay, has been too often practiſed under all Miniſters, when they could have any Opportunity of it, and this has not been left unpractiſed under this Miniſter. We all know what a prodigious Sum that Debt due to the Army, and to foreign States, were at laſt brought to, which continued for ſeveral Years to circulate under the Name of Army Debentures, at an Intereſt of *four per Cent*, without any Fund for paying off the Principal. Moſt of thoſe Debentures that were certified before the 21ſt of March 1719, were ſubſcribed into the South-Sea Company, but of them there remained unſubſcribed near 400,000*l*. and after the 21ſt of March 1719, new Army Debentures were made out for Debts not before certified for near 550,000*l*. ſo that for ſome Time before the Year 1727, there was near a Million circulating in Army Debentures at *four per Cent*, without any certain Fund for paying the Principal; for as the Sinking-Fund had been appropriated to the Payment of Debts contracted before the Year 1716, ſome People doubted if it could be applied to the Payment of theſe Debentures; and as there was always a great Number of them at Market, they came at laſt to be ſold at above 30*l*. *per Cent*. Discount. But towards the latter End of the Year 1726, all that could be got at any Discount were bought up, and a certain Shop in this City was particularly noted for the purchaſing ſuch Debentures. At laſt, upon the 7th of March 1726, a Reſolution was come to in this Houſe, to pay off all thoſe Army Debentures, of which public Notice was given, and by an Act of the ſame Seſſion, the Sinking-Fund was appropriated to the paying off all theſe Debentures at their full Price, by which the laſt Purchaſers got in a few Months above 30 *per Cent*. clear Profit.

• Whether the Miniſter himſelf was perſonally concerned in this Jobb, I ſhall not pretend, Sir, to determine, but ſome of his Friends were known to be concerned in it; and whether he was concerned or no, is, I am ſure, a Queſtion that can never be determined as long as he has the ſole Direction of

of all our public Affairs. If he was personally concerned, or even if he gave private Notice to his Friend, it was certainly highly criminal; but as a Proof of such Facts cannot be expected whilst he is in Power, and as upon this Motion we have no Occasion for alledging such particular Crimes against him, much less for proving them, I shall not mention any more of them, tho' there are others, of much the same Nature, of which he has been suspected. I say, Sir, we have no Occasion for alledging or proving any such Crimes for supporting this Motion; and I must say, I am greatly surprized to hear, that some Gentlemen who, I believe, mean well, especially an honourable Gentleman who spoke some time since, should be able to distinguish between a Motion for impeaching a Minister, and a Motion for removing him from the King's Councils. A Motion for an Impeachment must be supported by some particular Allegations of a criminal Nature, and by some Sort of Proof of those Allegations, before this House can agree to it; but a Motion for removing him is sufficiently founded, if from the whole Tenor of his Conduct it appears in general, that he must either have bad Designs or must be a very weak Man. I have explained this Minister's Plan of Politics with regard both to foreign and domestic Affairs: I have shewn, I think, such strong Presumptions of this being his Plan of Politics, that we must conclude him a very wicked, or a very weak Minister. Let us consider, Sir, what we have to do next Summer: We are to have a general Election for a new Parliament: We are to form Alliances, and concert Measures for preserving a Balance of Power in Europe, otherwise it will be irrecoverably lost. Can we expect a fair or free Election, whilst we have a Minister at the Helm, who has laid it down as a Maxim, to govern by the sole Means of Bribery and Corruption? Can we expect that any of the Powers of Europe will enter into any Alliance or Concert with us, whilst our Affairs are under the sole Direction of a Minister who has shewn himself such a Slave to France?

What a Danger then, Sir, must the Liberties of this Nation be exposed to? What a Danger must the Liberties of Europe be exposed to, by continuing this Minister but for one Year longer in Power? If the Honourable Gentleman would consider this, Sir, I am sure, he would not talk of returning him Good for Evil, or of doing this Minister and his Family that Justice which he denied to his. To vote for continuing a Man in a Post which he has shewn himself to be very unfit for, is doing him neither Good nor Justice: It is like putting a Sword into the Hands of a Madman or Russian; and to continue him in the sole Direction

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tion of our public Affairs, at such a critical Conjunction, is doing the greatest Evil, the greatest Injustice to our Country. Therefore, I hope, every Gentleman who, from this Minister's former Conduct, and from the present melancholy Situation of Affairs, both Abroad and at Home, thinks he has Reason to suspect his being either a very wicked, or a very weak Minister, will give his Affirmative to the present Question.

Sir Robert Walpole.

SIR,

Sir Robert  
Walpole.

I confess, I am at a Loss what to say, or how to justify myself on this Occasion. I had often heard, that some such Motion was designed against me; but I was always at a Loss to conjecture what the Honourable Gentlemen might have to say in support of their Motion. My own Innocence convinced me, they had no real Crime, nor any wilful Neglect to lay to my Charge; and I therefore supposed, they had heard some malicious Stories, which they had given too much Credit to, and which I might easily shew the Falshood of, when I came to hear them explained. But now I have heard the whole Charge against me, I do not think there is any one Part of it, except one single Fact, which is not a Charge, not only against his Majesty and all those of his Council, but also against both Houses of Parliament, as well as against me. If I were to answer for myself alone, I should think my Task very easy; but as I am to answer for King, Lords and Commons, it gives me great Pain, lest their Cause should suffer thro' any Incapacity in me: Yet dangerous and painful as the Task is, I must undertake it, and shall be as concise as the Nature of the Case will admit of.

I have, indeed, this Advantage; Sir, that all the Objections now made to the Conduct of the Administration, have been already answered to the Satisfaction of a Majority of both Houses of Parliament, and, I believe, to the Satisfaction of a Majority of the better sort of People in the Nation; therefore, I need only repeat a few of those Answers that have been made already, which I shall do in the Order of Time in which the several Transactions happened, and consequently must begin with our refusing to accept of the sole Mediation offered us by Spain, upon the Breach between that Court and the Court of France, about the latter's breaking off the intended Marriage between their King and the Infanta of Spain. I hope it will not be said, we had any Reason to quarrel with France upon that Account; and therefore, if our accepting of that Mediation might have occasioned

occasioned our quarrelling with France, we had no Business with it, unless we had something very beneficial for ourselves to expect by the Acceptance. A Reconciliation between the Courts of Vienna and Madrid was, it is true, what was to be wished-for by all Europe, as well as by us, provided it had been brought about without any Design to disturb our Tranquillity, or the Tranquillity of Europe; but both Parties were then so high in their Demands, that we could hope for no Success; and if the Negotiation had ended without Effect, we might have expected the common Fate of Arbitrators, the disobliging of both Parties. Therefore, as it was our Interest to keep well with both, I must still think it was the most prudent Part we could act, to refuse the Mediation offered.

The next Step of our foreign Conduct found fault with, is the Treaty of Hanover. Sir, if I were to give the true History of that Treaty, which no Gentleman can desire I should, I am sure, I could fully justify my own Conduct; but as I do not desire to justify my own, without justifying at the same time his late Majesty's Conduct, I must observe, that his late Majesty had such Information, as convinced not only him, but all those of his Council, both at Home and Abroad, that some dangerous Designs had been formed between the Emperor and Spain, at the Time of their concluding the Treaty at Vienna in May 1725. Designs, Sir, which were dangerous not only to the Liberties of this Nation, but to the Liberties of Europe. They were not only to wrest Gibraltar and Portmahone from this Nation, and to force the Pretender upon us, but they were to have Don Carlos married to the Emperor's eldest Daughter, who would thereby have had a Probability of uniting in his Person, or in the Person of some of his Successors, the Crowns of France and Spain with the Imperial Dignity, and the Austrian Dominions. It was therefore highly reasonable, both in France and us, to take the Alarm at such Designs, and to think betimes of preventing their being carried into Execution. But with regard to us, it was more particularly our Business to take the Alarm, because we were to have been immediately attacked.

I shall grant, Sir, it would have been very difficult, if not impossible, for Spain and the Emperor, joined together, to have invaded, or made themselves Masters of any of his Majesty's British Dominions; but will it be said, they might not have invaded his Majesty's Dominions in Germany, in order to force him to a Compliance with what they desired of him, as King of Great Britain? And if those Dominions had been invaded on account of a Quarrel with this

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Nation, should not we have been obliged, both in Honour and Interest, to defend them? When we were thus threatened, it was therefore absolutely necessary for us to make an Alliance with France; and that we might not trust too much to their Assistance, it was likewise necessary to form Alliances with the Northern Powers, and with some of the Princes in Germany, which we never did, nor ever could do, without granting them immediate Subsidies. These Measures were therefore, I still think, not only prudent but necessary, and by these Measures we made it much more dangerous for the Emperor and Spain to attack us, than it would otherwise have been.

‘ But still, Sir, tho’ by these Alliances we put ourselves upon an equal Footing with our Enemies, in case of an Attack, yet, in order to preserve the Tranquillity of Europe, as well as our own, there was something else to be done. We knew that War could not be begun or carried on without Money; we knew that the Emperor had no Money for that Purpose, without receiving large Remittances from Spain; and we knew that Spain could send him no such Remittances without receiving large Returns of Treasure from the West-Indies. The only way therefore to render these two Powers incapable of disturbing the Tranquillity of Europe was, by sending a Squadron to the West-Indies to stop the Return of the Spanish Galleons; and this made it necessary at the same Time to send a Squadron to the Mediterranean, for the Security of our valuable Possessions in that Part of the World. By these Measures the Emperor saw it was impossible for him to attack us in any Part of the World, because Spain could give him no Assistance either in Money or Troops; and as for the Spaniards Attack upon Gibraltar, it was so vain, we had no Occasion to call upon our Allies for Assistance: A small Squadron of our own prevented their attacking it by Sea, and from their Attack at Land we had nothing to fear; they might have knocked their Brains out against inaccessible Rocks, to this very Day, without bringing that Fortrefs into any Danger.

‘ I do not pretend, Sir, to be a great Master of foreign Affairs: In that Post in which I have the Honour to serve his Majesty, it is not my Business to meddle with them; and as one of his Majesty’s Council I have but one Voice; but if I had been the sole Adviser of the Treaty of Hanover, and all the Measures that were taken in Pursuance of it, from what I have said, I hope it will appear, that I do not deserve to be censured, either as a weak or a wicked Minister on that Account; and now with regard to the Guaranty of the Pragmatic Sanction, I am really surpris’d to find that Measure

sure objected to; it was so universally approved of, both Anno 14, Geo. II. 1740. within Doors and without, that till this very Day I think no Fault was ever found with it, unless it was that of its being too long delayed. If it was so necessary for supporting the Balance of Power in Europe, as has been insisted on in this Debate, to preserve intire the Dominions of the House of Austria, surely it was not our Business to insist upon a Partition of them in favour of any of the Princes of the Empire. But if we had, could we have expected, that the House of Austria would have agreed to any such Partition, even for the gaining of our Guaranty? The King of Prussia had, it is true, a Claim upon some Lordships in Silesia, but that Claim was absolutely denied by the Court of Vienna, and was not at that Time so much as insisted on by the late King of Prussia. Nay, if he had lived till this Time, I believe it would not now have been insisted on; for he acceded to that Guaranty without any Reservation of that Claim; therefore, I must look upon this as an Objection, which has since arisen from an Accident, that could not then be foreseen nor provided against.

I must therefore think, Sir, that our guarantying the Pragmatic Sanction, or our manner of doing it, cannot now be objected to, nor any Person censured by Parliament for advising that Measure; but tho' it was prudent and right in us to enter into that Guaranty, we were not therefore obliged to enter into every Broil the House of Austria might afterwards lead themselves into; and therefore, we were not in Honour obliged to take any Share in the War which the Emperor brought upon himself in the Year 1733, nor were we in Interest obliged to take a Share in that War, as long as neither Side attempted to push their Conquests farther than was consistent with the Balance of Power in Europe, which was a Case that did not happen; for the Power of the House of Austria was not diminished by the Event of that War, because they got Tuscany, Parma, and Placentia, in lieu of Naples and Sicily; nor was the Power of France much increased, because Lorain was a Province she had always taken and kept Possession of, during every War she had been lately engaged in. And as to our Disputes with Spain, they were not then come to such a Height, as to make it necessary for us to come to an open Rupture. We had then Reason to hope, that all Differences would be accommodated in an amicable manner; and whilst we have any such Hopes, it can never be prudent for us to engage ourselves in War, especially with Spain, where we have always had a very beneficial Commerce.

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These Hopes, 'tis true, Sir, at last proved abortive, but I never heard it was a Crime in any one to hope for the best. It was this sort of Hope that was the Cause of the late Convention, and if Spain had performed her Part of that Preliminary Treaty, I am sure, it would not have been wrong in us, to have hoped for a friendly Accommodation, and for that End to have waited for nine or ten Months longer, in which Time the Plenipotentiaries were by the Treaty to have adjusted all the Differences subsisting between the two Nations. But as Spain failed in performing what she had agreed to by this Preliminary, it put an End to all our Hope, and then, and not till then, it became both prudent and necessary for us to begin Hostilities, which were accordingly begun as soon as possible after the elapsing of the Time in which Spain was to have paid the 95,000l. Thus the present War began, and as I am neither General nor Admiral, as I have nothing to do either with our Navy or Army, I am sure, I am not to answer for the Prosecution of it. But were I to answer for every Thing, no Fault could, I think, be found with my Conduct in the Prosecution of the War. It has from the Beginning been carried on with as much Vigour, and as great Care taken of our Trade, as was consistent with our Safety at home, and with the Circumstances we were in at the Beginning of the War. If our Attacks upon the Enemy were too long delayed, or if they have not been so vigorous or so frequent as they ought to have been, those only are to blame who have for many Years been haranguing against regular Troops and Standing Armies; for without a sufficient Number of such, in Proportion to the Numbers kept up by our Neighbours, I am sure, we can neither defend ourselves, nor offend our Enemies.

I now come, Sir, to the Conduct of our domestic Affairs, and here a heavy Charge is laid, as if the Nation had been run into an extraordinary and unnecessary Expence, in order to prevent our being able to pay off our Debts, or abolish our Taxes. Sir, if there be any Ground for this Charge, it is a Charge against both Houses of Parliament, as well as against the Administration. No public Expence has been incurred but what has been approved of and provided for by Parliament: The public Treasure has been duly applied to the Uses to which it was appropriated by Parliament, and regular Accounts have been annually laid before Parliament of every Article of public Expence. If by foreign Accidents, by the Disputes of foreign States amongst themselves, or by their Designs against us, the Nation has often been put to an extraordinary Expence, that Expence cannot be said to have been unnecessary, because, if by saving

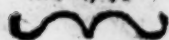
ing that Expence, we had exposed the Balance of Power to Danger, or ourselves to an Attack, it would have cost us, perhaps, a hundred Times the Sum, before we could recover from that Danger, or repel that Attack.

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‘ In all such Cases there will be a Variety of Opinions. I happened to be one of those who thought all those Expences necessary, and I had the good Luck to have the Majority of both Houses of Parliament on my Side of the Question; but this, it seems, proceeded from Bribery and Corruption. Sir, if any one Instance had been mentioned; if it had been shewn, that I ever offered a Reward to any Member of either House, or ever threatned to deprive any Member of his Office or Employment, in order to influence his voting in Parliament, there might have been some Ground for this Charge; but when it is so generally laid, I do not know what I can say to it, unless it be to deny it as generally and as positively as it has been asserted; and, thank God! till some Proof be offered, I have the Laws of the Land, as well as the Laws of Charity in my Favour. Some Members of both Houses have, 'tis true, been removed from their Employments under the Crown; but were they ever told, either by me, or any other of his Majesty's Servants, that it was for opposing the Measures of the Administration in Parliament? They were removed, because his Majesty did not think fit to continue them longer in his Service. His Majesty had a Right to do so, and I know no one that has a Right to ask him, What dost-thou? If his Majesty had a Mind that the Favours of the Crown should circulate, would not this of itself be a good Reason for removing any of his Servants? Would not this Reason be approved of by the whole Nation, except those who happen to be the present Possessors? I cannot therefore see, how this can be imputed to me as a Crime, or how any of the King's Ministers can be blamed for his doing what the Public has no Concern in; for if the Public be well and faithfully served, it has no Business to ask by whom.

‘ Upon the Whole, Sir, it is a great Comfort to me to find, that my Enemies, after all their Boasting, can lay no particular Crime to my Door, nor charge me with any one Transaction, at Home or Abroad, that has not had the Approbation of Parliament. And whatever People may think of the Wisdom of the Administration, for I am sure I shall not desire them to think well of mine, their Conduct will speak for itself. Our Tranquillity has been preserved both Abroad and at Home, notwithstanding a most unreasonable and violent Opposition to all their Measures: The true Interest of the Nation has been pursued: Our Trade has flourished:

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II. 1749.



rished: A Part of our Debt has been paid off; and the landed Interest has been very much eased, with respect to that most unequal and grievous Burden, the Land-Tax. I say so, Sir, because upon Examination it will appear, that within these *sixteen* or *seventeen* Years, no less than 8,000,000 of our Debt has been actually discharged, by the due Application of the Sinking-Fund, and at least 7,000,000 has been taken from that Fund, and applied to the Ease of the Land-Tax; for if it had not been applied to the current Service, we must have supplied that Service by increasing the Land-Tax; and as the Sinking-Fund was originally designed for paying off our Debts, and easing us of our Taxes, the applying it in Ease of the Land-Tax, was certainly as proper and as necessary an Use as it could be applied to.

‘ But, Sir, I had almost forgot one Fact, which seems to be a particular Crime charged against me, I mean that relating to Army-Debentures. I am surprized, Sir, to hear any thing relating to this Affair charged upon me: Whatever Blame there may be in this Affair, it ought to be placed to the Account of those that were in Power, when I was, as they call it, the Country Gentleman: It was by them this Affair was set on Foot and conducted, and I came in only to pay off those public Securities, which their Management had brought to a great Discount, and consequently to redeem our public Credit from that Reproach, which they had brought upon it. These Army-Debentures being at a great Discount, was a strong Reason, and the Reason that prevailed with the Parliament, to apply the Sinking Fund first to the paying off those Debentures, but they could not apply the Sinking-Fund to that Purpose, till it began to produce something considerable, which was not till the Year 1727. That the Sinking Fund was then to receive a great Addition, was a Fact publicly known in the Year 1726; and if some People were quick-sighted enough to foresee, that the Parliament would probably make this Use of it, and cunning enough to make the most of their own Foresight, could I help it, or could they be blamed for doing so? But I defy my most inveterate Enemy to prove, that I had any Hand in bringing these Debentures to a Discount, or that I had any Share in the Profits made by buying them up.

‘ To conclude, Sir, tho’ I shall always be proud of the Honour of any Trust or Confidence from his Majesty, yet I shall always be ready to remove from his Councils and Presence, when he thinks fit I should do so; and therefore I should think myself very little concerned in the Event of the present Question, if it were not for the Incroachment

that

that will thereby be made upon the Prerogatives of the Crown. But I must think, that an Address to his Majesty to remove one of his Servants, without so much as alledging any particular Crime against him, is one of the greatest Encroachments that was ever made upon the Prerogatives of the Crown; and therefore, for the sake of my Master, without any Regard to my own, I hope all those that have a due Regard for our Constitution, and for the Rights and Prerogatives of the Crown, without which our Constitution cannot be preserved, will be against this Motion.

The whole Debate continued from eleven o'Clock in the Afternoon till past three the next Morning, before which Time above sixty, supposed to be of the Minority, left the House: So that on the Division, the Motion was carried in the Negative, Ayes 106, Noes 290.

The 16th. Agreed to the Report of the Bill to explain and amend an Act 3d King James I. for the Recovery of small Debts, and for the Relieving of poor Debtors in London. Ordered it to be engrossed.

Read a first time the Mutiny and Desertion-Bill.

Read a third time, and passed the Bill for licensing the Importation of Victual from Ireland, &c. into Scotland in Time of Scarcity. Ordered it to the Lords.

The 17th. Read a second time the Mutiny and Desertion-Bill.

Read a second time the Westminster-Bridge-Bill.

Agreed to the Report of Yesterday's Resolution on Ways and Means; viz. Resolved, that the Duties on Salt, and also on Red and White Herrings delivered out for Home Consumption, which by an Act 8th King George II. were continued to the 25th of March 1746, be further continued to the 25th of March 1753. Ordered in a Bill accordingly.

Then proceeded to the further Hearing of the Matter of the Petition of John, Dodd Esq; complaining of an undue Election and Return for the Borough of Reading in the County of Berks. And the Counsel were called in; and several Witnesses examined in behalf of William Strode, Esq; sitting Member; and having finished their Evicence, the Counsel on both sides were directed to withdraw. And a Motion being made and the Question put, that William Strode, Esq; is duly elected a Burgess to serve in this present Parliament, or the Borough of Reading in the County of Berks; it passed in the Negative, Ayes 133, Noes 141. Resolved, that John Dodd, Esq; is duly Elected, &c.

The 18th. Read a third Time and passed the Bill to explain and amend an Act 3d King James I. for the Recovery

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ing of small Debts, and for the Relieving of poor Debtors in London. Ordered it to the Lords.

Read a first time, a Bill for granting and continuing the Duties upon Salt, and upon Red and White Herrings for a further Term.

Read a first time a Bill to indemnify Protestant Purchasers of Estates of Papists, against the Penalties or Forfeitures Papists are liable to, for not having enrolled their Estates, in pursuance of an Act 3d King George I.

In a grand Committee made some Progress on the Bill to prevent Inconveniences arising by Delays of Causes after Issue joined; and to proceed on the 24th Instant.

The 19th. Read a second Time the Bill for continuing the Duties upon Salt, and on Red and White Herrings for a further Term.

Read a first time a Bill to explain and amend so much of an Act 6th King George I. *for better securing certain Powers and Privileges intended to be granted by his Majesty, by two Charters for Assurance of Ships and Merchandizes at Sea, and for lending Money upon Bottomry, and for restraining several extravagant and unwarrantable Practices therein mentioned*, as relates to the extravagant and unwarrantable Practices therein mentioned.

In a grand Committee, went thro' the Bill to indemnify Persons who have omitted to take the Oaths, &c. with several Amendments.

Read a second time the Bill for opening a Trade to and from Persia through Russia.

The 20th. Agreed to the Report of the Oath-Bill; ordered it to be ingrossed.

In a grand Committee took into Consideration the several Petitions presented to the House on the Decay of the Woollen Manufactures; and Mr. Webber was called in and examined concerning his Scheme for a universal Registry of Wool; to proceed on the 25th Instant.

The 22d. Received Petitions from the Counties of Essex and Gloucester, representing to the House, That should the Bill for opening a Trade to and from Persia through Russia pass into a Law, it will greatly discourage the Manufacture of Cloth in this Kingdom; and therefore praying that the Bill may not pass into a Law, unless Provision be made therein, to oblige the Traders to Persia through Russia to export in Woollen Cloths to the amount of the Value of the Raw-Silk, and other the Persian Commodities they shall import from Russia: Referred to the Committee of the whole House.

Ordered, That Mr. Nettleton, Mr. Dingley, and Mr. Gramotte,

Gramotte, Russia Merchants, do attend the said Committee on the 26th Instant. Anno 14, Geb II. 1740.

Read a second time, a Bill for the Encouragement of Seamen, and for the better and speedier Manning his Majesty's Fleet.

Resumed the adjourned Consideration of the Report of the Bill for the Recovery of Small Debts, and ordered it to be ingrossed.

The 24th. Read a third time, and passed the Bill for indemnifying Persons who have omitted to qualify themselves for Offices and Employments, within the time limited by Law, and for allowing a farther time for that purpose: Ordered it to the Lords.

Read a second time, a Bill to indemnify Protestant Purchasers of Estates of Papists, &c.

In a Committee, went thro' the Bill to prevent Inconveniencies arising by Delays of Causes after Issue joined, with several Amendments.

In a Committee on the Bill for punishing Mutiny and Desertion, a Debate arose as follows: Debate on the quartering of Soldiers.

Sir William Yonge.

SIR,

' One of the greatest Perfections the Laws of any Country can be attended with, is, to be so plain, precise, and express in all their Clauses, as not to admit of any Doubt, Uncertainty or double Meaning. This is a Rule, which ought to be observed, as far as is consistent with human Weakness, in the forming of every new Law; and in no sort of Laws is it more necessary, than in those that are made for regulating the Behaviour of the Civil and Military Power towards one another; for nothing contributes more towards making the Army and the People live easily together, than to have their respective Rights and Privileges fully and clearly determined, so as that every Soldier may know the utmost he can expect, and that his Landlord, or any other Person he has to do with, may know what is due to him.

' This being the Case, Sir, as you are now upon that Bill for regulating the Army and their Quarters, which passes yearly, in this Kingdom, and as a Doubt has arisen upon some Clauses inserted in all former Acts of the same nature, the Duty of my Office makes it incumbent on me to acquaint you with that Doubt, and to propose a Method for obviating it for the future. In all former Mutiny-Bills, at least in all that have been of late Years passed into Laws, it has been enacted, " That the Officers and Soldiers quartered as directed by the Act, shall be received by the Owners

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of the Inns, and other Houses in which they are so quartered; and shall pay such reasonable Prices as shall from Time to time be appointed by the Justices of the Peace, who are thereby empowered to appoint such reasonable Rates for all necessary Provisions for Officers and Soldiers, for one or more Nights, in all Places which they shall come to in their March, or which shall be appointed for their Residence and Quarters." And by another Clause in the said Bills it has been enacted, " That the Officers, when they receive the Pay of any Regiment, Troop, or Company, shall give public Notice thereof to all the Inns, and other Places where the Officers and Soldiers are quartered, that they may bring in their Accounts; which Accounts the Officer or Officers receiving the Pay, are required to accept of, and immediately pay the same, before the Subsistence or Pay shall be distributed, either to Officers or Soldiers, provided the said Accounts exceed not the several Rates therein mentioned and ascertained."

From these Clauses, Sir, it has been, till very lately, thought, that the Owners of Inns, and other Places where Soldiers are allowed to be quartered, were obliged to furnish the Soldiers with Diet and small Beer for themselves, and with Hay and Straw for their Horses, if demanded; and the Owners of Inns and other such Places have, till of late, generally done so, without charging more for it in their Accounts, than the Paymaster was by Act of Parliament required and limited to pay: But of late Years a different way of Thinking has begun to prevail; and the Owners of Inns and other Places have begun to refuse to furnish the Soldiers with Diet or Small Beer for themselves, or with Hay and Straw for their Horses, at the Rates allowed by the Government, pretending, that by the Words of the Act, they are not obliged to furnish Soldiers with any of these Necessaries, unless they approve of the Prices allowed by the Government, or appointed by the Justices of Peace.

One of the first Disputes, Sir, of this kind happened but last Year at Wakefield, where the Price of Hay had, during the hard Frost, risen to an excessive Height: Upon this, the Justices of Peace in that Division took the Case into their Consideration, and appointed the Rate for Hay for a Horse to be 8d. per Diem. As this was 2d. per Diem above what was allowed by Act of Parliament, the Dragoons scrupled paying it, and the Officers sent a Letter to me on the Subject: This Letter I laid before the Attorney-General, and after he had considered the Case, his Opinion was, that the Justices of Peace had exceeded the Powers given them by Act of Parliament; that they were to appoint the Rates of necessary

sary Provisions for the Soldiers and their Horses, but not so as to exceed the Allowance given by the Government, and expressly limited by the very Act itself; and that the Owners of Inns, and other Houses where Soldiers are appointed by Law to be quartered, were obliged to furnish them with necessary Provisions for themselves and Horses, at a lower Rate than what was allowed by Law, if the Justices should appoint it to be so, but that neither they could require, nor the Justices appoint any higher Rates to be paid; and I must say, it is most reasonable it should be so; for a Soldier has at all Times one certain uniform Pay from the Government; his Wages do not rise and fall as other Peoples do, according to the Price of Provisions, or the Demand for Workmen; his Pay is always the same, and the Allowance appointed by Law is the highest that Pay will admit of: He must be supported, and therefore, in Times of Scarcity, you must either augment the Pay of your Soldiers, or you must oblige those, where they are quartered, to furnish them with necessary Provisions at those Rates, which their Pay will admit of.

But I must take notice, Sir, that, before this Dispute happened, there had been one of much the same nature at Ledbury: There, the Owners of Inns, Alehouses, and the like, even refused the Soldiers the Use of their Fires or Utensils to dress their Victuals: They would allow them no Small Beer to drink, nor so much as Salt to their Pottage. A Soldier upon a March cannot carry a Kitchen, a Sack of Coals, and a Cag of Small Beer upon his Back; they must be allowed such Things at the Places where they are quartered; they thought they had a Right to insist upon having them; and this had like to have bred a Tumult betwixt the Soldiers and Townsmen. This Case was laid before the then Attorney-General, now Lord Chief Justice Willes, and his Opinion was, That the Owners of the Houses, where the Soldiers were quartered, were obliged to allow them Diet and Small Beer at the Government's Allowance, or even at a cheaper Rate, if the Justices of Peace should order it to be so.

I do not myself, Sir, pretend to any great Knowledge of the Law, or to the Art of putting the proper Meaning upon the Words of an Act of Parliament; but upon these two Opinions, I think, I cannot be accused of passing a rash Judgment, if I say, that Soldiers have, by the Laws of this Kingdom, a Right to insist upon Diet and Small Beer for themselves, and Hay and Straw for their Horses, from the Owners of the Inns or Houses where they are quartered; and, indeed, to me the Sense of the Acts of Parliament

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II. 1740.

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made for this Purpose, seems as clear as Words can make it. However, there are many Lawyers, it seems, especially in the Country, who think otherwise; and the People, depending upon their Opinion, have now, in many Places, begun to refuse Diet and Small Beer to the Soldiers quartered in their Houses. I do not know but they may soon begin to refuse a Soldier a Bed. They have, I think, as good a Right to refuse the one as the other; for the Law says only, they shall receive the Soldiers quartered upon them: It does not say, they shall furnish them with Beds, no more than it says, they shall furnish them with Diet and Small Beer. Till now it has always been supposed, that by receiving was meant, to furnish the Soldier with such a Bed as he could lie on, and with necessary Provisions at such a Price as he could pay. But a different Interpretation is now put upon this Word; and as the Doctors of the Law thus differ among themselves, the Justices of the Peace do not know how to behave. If you do not put an End to the Dispute, by adding a few explanatory Words to the Law, which you are now to revive, a Law Suit must, and is to be begun by Information, for terminating this Dispute.

This, Sir, will be attended with a great Expence to the Public, as well as to the Persons that are to be sued, which, I think, you ought to prevent, now you have so fair an Opportunity. But what is much worse than the Expence attending a Law-Suit, if, upon the Event of a Law-Suit, it should be found, that the Owners of Houses where Soldiers are quartered, are not by Law obliged to furnish them with Diet and Small Beer at the Government's Allowance, or with any thing else besides House-room, the Country People, who naturally do not much like Soldiers, will take all the Advantage they can of what is declared to be Law, and this may occasion a general Mutiny in your Army; for on the other hand, the Soldiers, Men who have got Arms in their Hands, and who have been taught how to use them, won't like to give up a Right, they think, they have a just Title to, and a Right which they have enjoyed for at least threescore Years without Interruption.

For preventing these Dangers, Sir, I have drawn up a Clause, as I thought I was, by the Duty of my Office, obliged to do, which I shall beg leave to lay before you. What I propose is, that instead of the usual Clause for obliging the Inn-keepers and others to receive the Soldiers billeted upon them, you should insert a Clause as follows: " Provided nevertheless, and it is hereby enacted, that the Officers and Soldiers so quartered and billeted as aforesaid, shall be received, and furnished with Diet and Small-Beer, by

by the Owners of the Inns, Livery-Stables, Alehouses, Victualling-Houses, and other Houses, in which they are allowed to be quartered and billeted by this Act; *paying and allowing for the same the several Rates herein after mentioned, to be payable out of the Subsistence-Money for Diet and Small-Beer.*

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II 1740.

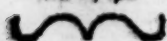
Mr. Sandys.

SIR,

It is an unfortunate State we are fallen into, that every Session of Parliament must be attended with new Laws, or new Clauses in old Laws, for oppressing the industrious Subject, and endangering the Liberties of the Country. It is impossible to levy high Duties upon the Necessaries or Conveniences of Life, it is impossible to keep up numerous Standing-Armies, without such Laws or such Clauses; and yet we have, for twenty Years, been contriving how to continue and increase both. The high Duties we groan under, were introduced for supporting a heavy and expensive but necessary War; but how the keeping up of a numerous Standing-Army in Time of Peace, was introduced, I can no other way account for, than by supposing, that it was necessary for supporting unpopular, destructive Measures, and a hated Minister. I am surprized to hear the forcible Quartering of Soldiers upon public or private Houses insisted on, as if it were a necessary Mean for the Support of our Government. Sir, if we were to attend strictly to our Constitution, even as it stands at present, we ought, in no Mutiny-Bill, to admit of the Quartering of Soldiers, even on Public Houses, except for a few Nights, in their March from one Garrison to another, or for the first Night after they arrive at the Place designed for their Residence. Tho' we now keep up, tho' we have long kept up a great Number of Standing-Forces in Time of Peace, yet, properly speaking, they are no more than is supposed to be necessary for Guards and Garrisons; and accordingly the Resolution annually agreed to in this House is, "That the Number of effective Men to be provided for Guards and Garrisons in Great Britain, for the ensuing Year, shall be such a Number as is then thought necessary." Before the Revolution we had Guards and Garrisons, even in Time of Peace; but before the Revolution, nor for some Years after, we had no Quartering of Soldiers, either upon public or private Houses, in Time of Peace, without the Consent of the Owner. On the contrary, by an express Law, the latter End of King Charles II's Reign, it was enacted, "That no Officer, military or civil, or other Person, shall quarter or billet any Soldier upon any Inhabitant

Sam. Sandys,  
Esq;

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tant of this Realm, without his Consent;" which Law stood in force till near the End of the Year 1692, when the first Law was made for quartering Soldiers in Public-Houses.

Before that Year, Sir, our Guards and Garrisons, by which, I mean all the Soldiers we had on Foot, even in their marching from one Place to another, were obliged to quarter themselves as other Travellers do, in Houses that were willing to receive them; and when they came to any Garrison or Place where they were to reside, every Officer and Soldier provided Quarters for himself; In which, I believe, there was no Inconvenience found; for when Soldiers behave civilly, and are agreeable to the People, there will always be Houses enough, either public or private, that will be glad to receive them for what they are able to pay, unless there be a greater Number of them than the Place can conveniently accommodate. From the Revolution to the Year 1692, we had a sort of Civil War amongst ourselves, for Ireland was not entirely reduc'd till the End of the Year 91; and as *inter arma silent leges*, perhaps, during that Time, some Liberties were taken with the Laws, in respect to Quartering or Billeting of Soldiers. But in the Year 92, the domestic Tranquility of the three Kingdoms being re establish'd, the Parliament began to think of restoring the Laws to their primitive Force. However, as we were then engaged in a dangerous foreign War, and upon that Account obliged to keep a greater Number of Troops than usual; and as our Troops were often obliged to march in great Bodies, either from one Place of the Kingdom to another, as Danger threatned, or through the Kingdom in their way to Flanders, the Parliament saw it would be necessary to provide Quarters for them upon their March, in a different Manner from what had before been allowed by Law; and therefore in the Mutiny-Bill for the ensuing Year, which then first began to be entitled, A Bill for punishing Officers and Soldiers who shall mutiny or desert their Majesties Service, and for punishing false Musters, and for the Payment of Quarters, the Clause for quartering Soldiers in Public-Houses, without Consent of the Owner, was introduced, and has ever since remained in all the Mutiny-Bills passed, to this very Day; for a favourite Power once granted to the Crown, is seldom recovered by the Subject, without some remarkable Revolutions in our Government.

But by this Clause, as the Act then stood, it was not intended, that Soldiers should be quarter'd or billeted in the Places appointed for their Residence, even indeed upon Public-Houses, without the Consent of the Owner. At least it was not intended, they should be so quarter'd for any longer  
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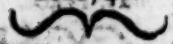
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than the first Night after their Arrival. That this was the Intention of the Act, is, I think, plain, from the next Clause of the Act, whereby it is enacted, " That Officers and Soldiers billeted, as directed by the preceding Clause, shall pay such reasonable Prices as shall be appointed by the Justices of Peace in their Quarter Sessions; and the Justices are thereby required to set Rates for Provisions, for one or more Nights in their Marching, and the first Night only in Places appointed for their Residence. Ann 14 Geo II. 1740.

This, I think, Sir, plainly shews, that, in Places appointed for the Residence of Soldiers for any Time, neither Officer nor Soldier was to be quarter'd for more than the first Night, upon any House, public or private; and the Reason is evident, because, being then settled, if they could not agree with their Landlords, where they were first lodg'd, for a Continuance, they might next Day look out for, and provide new Lodgings or Quarters for themselves. It was not then intended to give any Soldier, and much less an Officer, a Right to lodge in the best Room of an Inn or Alehouse, without paying any Thing for it, and that, perhaps, for a Year, or for several Years together. Even when they were upon a March, or for the first Night after their Arrival at the Place appointed for their Residence, they were not to have their Lodging absolutely free; because the Justices were certainly to have a Regard to the Expence and Trouble of lodging them, when they settled the Rates they were to pay for Provisions. The modern Practice of giving every Officer and Soldier a free Lodging in the House where he is quarter'd, whether he spends any of his Money there or no, and even in the Place where he is appointed to reside, as well as when he is upon a March, would then have been rejected with great Contempt, if it had been proposed; for it is really laying a Tax upon the Subject, without the Consent of Parliament, at least without any such Consent obtained in a regular Manner, and according to the usual Methods of proceeding in Parliament, when the Subjects, or any Part of them, are to be loaded with a new Tax. But, a Foundation being thus laid for obliging our Public-Houses to give free Lodging to the Soldiers for a few Nights in their March, and for the first Night after their Arrival at the Place where they were appointed to reside, a Pretence was from thence taken to insist, that Soldiers were always to be a Load upon our Public-Houses, and to be entitled to have always a free Lodging even in the Places appointed for their Residence. Perhaps the Words of this first Law were left a little doubtful, on purpose to draw this Inference from them; but this was not

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enough; for, in order to give Soldiers a less doubtful Title to this free Lodging for ever, the Words of the Law were afterwards alter'd, and the Justices were required to set and appoint such reasonable Rules for all necessary Provisions for such Officers and Soldiers, for one or more Nights, in the several Places which they shall come to in their March, or which shall be appointed for their Residence and Quarters.

Thus, Sir, you see what an encroaching thing an Army is, and I wish it did not encroach upon us in any more dangerous Respect. This of free-Lodging for Soldiers is now become a continual and settled Tax upon the Public-Houses, in all Places where Soldiers are usually appointed to reside. Every such House has generally one Soldier at least quarter'd upon it; and if the Landlord does not give his Guest such a Lodging as pleases him, he must pay him such a Sum weekly as he shall demand, for his furnishing himself with a Lodging. Here in Westminster it is by Custom settled at 9d. a Week, that, is 39s. *per Annum*, for a common Soldier; and consequently the Officers, if they should insist on it, might surely demand a great deal more. Is not this, Sir, taxing the Subject? Is it not increasing the Pay of the Soldier, without any proper legal Authority for either? This Tax, Sir, is the more grievous, because of its being raised upon Part of the People only; and it is the more dangerous, because a Minister may raise it in what Places, and in what Proportions he pleases, and consequently may make it a Handle for oppressing those Counties, Cities, and Boroughs, that do not send him up such Members to this House, as he shall please to direct. But this Handle is not, it seems, sufficient, therefore some new Strength must be added to it; and for this, a Pretence is taken from some Clauses in our late Mutiny-Acts, which, I think, can admit of no such Meaning. The Inn-keeper, or Victualler, must now, it is said, furnish the Soldiers quarter'd upon him, not only with Lodging, but also with Board, both according to the Liking of the Soldier, and yet he is to have no more for both than a Groat a Day. In Times of Plenty, the Soldier will furnish himself, because he can, perhaps, do it at 2d. a Day, but in Times of Scarcity, he will oblige his Landlord to furnish him, because he cannot do it perhaps under 8d. a Day. Is this just, Sir? Is it equitable? Is it possible to suppose that an Act of Parliament should establish such Imposition?

I do not know, Sir, nor do I much regard, what Opinion the Lawyers may have given; because they generally give their Opinion according as the Case is stated to them; and

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and therefore, when the Case is fallſely ſtated, their Opinions muſt be wrong. This ſeems to be the Caſe at preſent. The Queſtion is, not, what an Inn-keeper or Victualler may demand, if he does furniſh the Soldier, quarter'd upon him, with Proviſions; for it is plain he cannot recover more than a Groat a Day; becauſe the Pay-maſter can ſtop no more of a Soldier's Pay on that Account; and how the Victualler can otherwiſe recover it, I believe, no Lawyer, or even a Conjuror can tell. The only Queſtion therefore is, whether an Inn-keeper or Victualler be obliged to furniſh the Soldiers quartered upon them with Proviſions; and this, I think, admits of as little Doubt as the other. He certainly is not obliged to do ſo, by any expreſs Words in the Mutiny-Bill paſſed laſt Year. By a Clause in that Bill, as well as many former, the Inn-keeper is obliged to receive the Soldiers quarter'd upon him: He muſt let them into his Houſe: He muſt not ſhut his Doors againſt them: But this is all he is obliged to do by that Law: Even his furniſhing them with Beds is by that Law left, as it ſhould be, depending upon his Courteſy; and hitherto it has produced no Diſpute, nor have the Soldiers been left unaccommodated, except in a few very extraordinary Caſes, which can afford no Foundation for any Alteration in the Law.

Both the Inſtances that have been mention'd, are of this Kind. The Diſpute of Wakefield I am far from being ſurprized at; I am ſurprized, Sir, there were not ſuch Diſputes laſt Winter all over the whole Kingdom. It was cruel to oblige Inn-keepers to furniſh Hay and Straw to the Soldiers Horſe, at the Rate of 6d. per diem, when Hay and Straw bore ſuch monſtrous Prices; nay when their own Cattle were perhaps dying for Want. The Juſtices were in the right to allow 8d. Can it be ſaid, that a Trooper or Dragoon could not afford 8d. for his Horſe at a Time when there was ſuch a Scarcity of all Sorts of Fodder? Why may not a Trooper or Dragoon live upon 4d. as well as a Foot Soldier? Suppose he allow'd 8d. for his Horſe, he had 4d. a Day for himſelf; and with that, or with the worſe Fare for himſelf, he ſhould have been content; eſpecially as he knew the Scarcity of Fodder could not be of a very long Continuance.

The Affair at Ledbury too, Sir, was a Caſe of a very extraordinary Nature. The People there did not like at that Time to have any Soldiers among them, or at leaſt not ſo many of them; becauſe they thought themſelves oppreſſed, and knew that the Soldiers were ſent there, to prevent their taking their own Way for freeing themſelves from that Oppreſſion. I do not ſay it was wrong to ſend Soldiers there

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or to send such a Number of them ; because whether the People were oppressed or no, they had taken a very wrong Method to free themselves from that Oppression. They had chosen a riotous and tumultuous Way of doing it ; and a Gentleman in the Neighbourhood, who had acted the Part of a bold and worthy Magistrate, had not only been insulted by the Mob, but was in danger of being murder'd by them. The People in that Neighbourhood had behaved in a most riotous and obstinate Manner upon that Occasion ; but surely the Obstinacy of the People in a particular Corner, and upon a particular Occasion, is not to be pleaded as a Reason for oppressing the whole Kingdom.

The few Disputes that have happen'd, Sir, in such a long Course of Years, between the Soldiers and the People where they are quarter'd is a much stronger Reason for continuing the Law as it is. The Harmony between the Soldiers and the People may hitherto be said to have been general : But do not let us depend, Sir, upon the Continuance of this Harmony, if we should begin to keep up a greater Number of Troops, or even if we should continue to keep up the same Number for many Years to come. The People must always suffer many Hardships by the Quartering of Soldiers, and these Hardships must increase or diminish in Proportion as we increase or diminish our Standing-Army. The People have for many Years expected a Diminution of our Army, and consequently a Diminution of the Hardships they suffer from thence. They have every Year hoped it would be the last, and that the next Year will put an End to most of the Hardships they suffered on Account of our Army. However sharp sighted our Ministers and Parliament Men have been, in securing those Dangers which have all along been pretended as a Reason for keeping up such a numerous Standing-Army, the People could perceive none of these Dangers, or at least they supposed, that such tremendous Prospects would not regularly present themselves to View every succeeding Winter, and this confirmed them in their annual Hopes that next Session of Parliament would reduce the Army, and that our Regular Troops would at last come really to be what they every Year are supposed to be by Parliament, nothing but Guards and Garrisons, which would of course free all those who do not live in the Purlieu of a Garrison, or the Sunshine of a Court, from the Burden of quartering of Soldiers.

But, Sir, the People have been so long disappointed in these Expectations, that it is to be feared, they will soon grow desperate. They will despair of ever seeing themselves relieved from the Hardships they groan under, with respect to the

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the Army. The Suspicion will become general, that such a numerous Army is not kept up to protect us against foreign Dangers, or because it is necessary for the just Ends of Government, but because it is necessary for supporting and enforcing the weak or oppressive Measures of an Administration. In this Case, every Corner of the Kingdom will become a Ledbury. The Soldiers will become every where hateful to the People, and the People will become despicable in the Eyes of the Soldiers. There will then be no Courtesy, no Harmony between the Soldiers and the Persons upon whom they are quartered. The latter will furnish nothing to their unwelcome Guests, but what they are in the utmost Strictness of Law obliged to furnish; and every Soldier will exact with the utmost Rigour whatever he thinks himself entitled to by Law. This will of course occasion many Broils between the People and the Soldiers, and may at last occasion an Insurrection; which will probably end in a total Reduction of the Army, or in the Establishment of a military Government.

‘ This Consequence, I say, Sir, is to be apprehended even from the Army you have now on Foot, and from the Laws you have now in Force, with regard to the Quartering of Soldiers; but if by new Laws you increase the Demands of the Soldier upon his Quarters, and at the same Time oblige the Persons upon whom he is Quartered to answer those Demands, the Approach of this fatal Consequence will be accelerated: I say, Sir, if by any new Law you increase the Demands of the Soldier: For whatever Gentlemen may think, the Soldier’s Demands upon his Quarters will be very much increased by what is now proposed. At present he does not think, that his Landlord is obliged to furnish him with Diet and Small-Beer at the Rate of a Groat a Day, the Soldier will insist upon much better Provisions, and perhaps a greater Quantity too, than what he now chearfully accepts of. The immediate Consequence of this will be, that a great many of our Inn-keepers and other Public-Houses will give over that Business, and betake themselves to some other way of Living. This will increase the Burden upon those that continue in the Business, which will soon make many of them follow the same Course; so that at last you may not have, in many Places, a sufficient Number of Public-Houses, for receiving a Party of Soldiers upon their March; and the Consequence of this is, that they must either lie in the Fields, or be quartered upon private Houses. The former they would not submit to; the latter I dread to think of, and therefore I am against the Clause proposed.’

Sir

Anno 14, Geo.  
II. 1740.

Anno 14, Geo.  
[II. 1740.]

Sir William  
Yonge.

Sir William Yonge.

SIR,

“ When I opened this Affair to you, and gave my Reasons for the Clause, I took the Liberty to offer, I told you, that the Case had been lately rendered doubtful, by some Peoples refusing to furnish the Soldiers, quartered upon them, with Diet and Small Beer, or, indeed, with any Thing else; and that upon this a Law-suit was intended to be commenced, in order to have this Question determined. If there had been any exprefs Words in the Law for obliging Inn-keepers and others to furnish the Soldiers, quartered upon them, with Diet and Small-Beer, at the Rate of a Groat a Day, no such Doubt could ever have arisen, no Man would have been so mad as to have refused it, when the exprefs Words of the Law appeared against him, nor would there have been any Necessity to have troubled you with a new Clause upon this Occasion. But will the Honourable Gentleman say, that nothing is ever comprehended within the Meaning and Intention of a Law, tho’ not declared in exprefs Words? This is the very Case now before us: The Question that has arisen, is not upon the exprefs Words, but upon the Meaning and Intention of the Law; and if there was ever any Obligation created or established by Inference from the Meaning and Intention of a Law, I think, there is, from the Meaning and Intention of this Law, a plain Obligation laid upon Inn-keepers and others, to furnish the Soldiers quartered upon them, with a convenient Lodging, at least with as convenient a Lodging as they can afford, and with necessary Provisions, that is to say, Diet and Small-Beer, at such a Rate as shall be appointed by the Justices, not exceeding a Groat a Day.

“ This, Sir, is my Opinion, and in this Opinion I am supported, not only by the Opinion of several eminent Lawyers, but also by as plain Inferences as were ever in this World drawn from any Law. This, I think, will appear evident, if we will but seriously consider the two Clauses, in the last Mutiny Act, which relate to this Question. The first says, “ That Soldiers quartered as aforesaid, shall be received by the Owners of Inns, and other Houses, in which they are allowed to be quartered by that Act; and shall pay such reasonable Prices as shall be appointed from Time to Time by the Justices:” And then by the same Clause, the Justices are empowered and required to set and appoint reasonable Rates for all necessary Provisions for such Soldiers. Now, Sir, if the Law did not intend to oblige the Inn-keeper to furnish the Soldiers with necessary Provisions, for what End was the Justice obliged to interfere? If the Inn-keeper

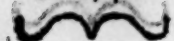
was

was to agree to furnish the Soldier with necessary Provisions, Anno 14, Geo. II, 1740. he would not certainly agree, unless the Soldier on his Part agreed to pay him such Prices as he insisted on; and, if they two agreed together, what had the Justice to do in the Affair, or why should the Law oblige him to interpose? Nay, his Interposition would signify nothing; for if the Inn-keeper agreed to take less than the Rate appointed by the Justices, they could not prevent his taking less; and, if the Soldier agreed to pay more, they could not prevent his paying it. Therefore, from the Law's requiring the Justices to interpose, I think, it is evident, that it meant to oblige the Inn-keeper to furnish the Soldiers quartered upon him with necessary Provisions; because, otherwise, the greatest Part of this Clause would be most impertinent and useless.

The other Clause, Sir, which relates to this Question, is that which is intended for securing the Inn-keeper's Payment; and here I must observe, that one of the chief Designs of this Law, as appears from the very Title, is to provide effectually for paying the Quarters of the Army; and how does it provide? By enacting, "That the Pay-master, when he receives the Soldiers Pay, shall give Notice to all Inn-keepers and others to bring in their Accounts; and that he shall accept of, and immediately pay those Accounts, before any Part of the Subsistence be distributed to the Soldiers; but with this Proviso, that such Accounts shall not exceed 4d. per Diem for a Foot Soldier's Diet and Small-Beer. Can we suppose that a Law chiefly intended for securing the Payment of the Army's Quarters, would have had such a Proviso, if it had intended, either that the Inn-keeper should have Liberty to charge more, or that the Justices should have a Power to appoint a higher Rate for that Article. To suppose so is, I think, supposing the Law-makers to have been guilty of a very great Absurdity. But the contrary is, in my Opinion, very evident. They wisely considered the utmost a Soldier could allow for Diet and Small Beer; and they restrained both the Inn-keeper and Justice from exceeding that Sum. The Inn-keeper must therefore take care to provide such Diet and Small-Beer for his Soldier, as may be afforded for that Price; and this the Soldier must be satisfied with, because he can pay for no better.

Thus, Sir, as to the Question's being without any Doubt, I agree with the Honourable Gentleman that spoke last; and yet, he and I differ very widely in our Opinion. He thinks it is the Negative Side of the Question that is certain and without any Doubt, and I think, it is the Affirmative. I think, that by a plain Inference from, tho' not by any express Words in the Law, the Inn-keeper is certainly obliged

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II 1740.



ged to furnish the Soldier quartered upon him with Diet and Small-Beer, at a Groat a Day; and he thinks that, neither from the Words, nor the Meaning of the Law, the Inn-keeper can be obliged to furnish the Soldier with Diet and Small-Beer, at that or any other Price, but that if he does furnish him, he can recover no more than a Groat a Day. I shall not therefore say it is a Doubt, because that Word seems to offend, but it is a Difference in Opinion, that makes the Clause I have offered necessary; and as we have now the Opportunity before us, I think we ought to determine that Difference, and prevent the Expence of a Law suit, both to the Public and to the private Persons that may be concerned. As we are now apprised of this Difference in Opinion, about the Meaning of some of the Clauses in the former Law, I think, it would be a Neglect of Duty in us to revive that Law, without determining that Difference; for, I am sure, we ought not, knowingly, to make a Law that must create a Law-suit; and there is nothing more apt to occasion Disputes, and even Broils between the Soldiers and the People upon whom they are quartered, than their differing in Opinion about their respective Rights.

‘ I am so well convinced, Sir, of the Inconveniencies and Dangers that may ensue from leaving this Difference in Opinion subsisting, that I should rather chuse to have it expressly declared, that Inn-keepers shall not be obliged to furnish the Soldiers quartered upon them with Diet and Small-Beer, than to have it remain in the Uncertainty it is at present. But if you should determine the Question in this Way, I am persuaded no Inn-keeper, Victualer, or other Person, upon whom Soldiers are usually quartered, would furnish them with Provisions at the Rates which they are able to pay. The appointing a certain Rate for Provisions would in that Case signify nothing; because if the Inn-keeper did not like the Rate appointed by the Justices, he would furnish no Provisions: The Soldier must provide for himself; and this might be rendered impossible by a Combination among the Tradesmen and Inhabitants of a Country Town; which Combination would, very probably, be entered into in all Country Towns and even in Cities, that do not like to have any Soldiers among them. There is, therefore, I think, a Necessity for obliging some Sort of People or other to furnish the Soldiers with necessary Provisions; and none are so proper to be laid under this Obligation as Persons upon whom they are quarter’d.

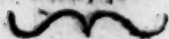
Then, Sir, with regard to what the Soldier is to pay for Diet and Small-Beer, you may settle it at what you will, or not settle at all if you please; but I am very sure, a Soldier cannot

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cannot pay above a Groat a Day for Diet and Small-Beer, Anno 14, Geo. II. 1740. because the Subsistence Money actually paid him by the Government, never, or but very seldom, exceeds that Sum : A common Soldier has, indeed, Six-pence a Day allow'd him ; but then, the Deduction made for Cloathing, for Stockings, Shoes, Shaving, and other Incidents, reduce his Pay to very little above a Groat a Day for his Subsistence. This, therefore, is the highest he can give for Diet and Small-Beer ; and as a House-keeper may always provide for a single-Man, lodged in his House, at a cheaper Rate than such single Man can provide for himself, I am convinced, there is not, at present, a Place in England, where a House-keeper may not furnish a Soldier, lodged in his House, with Diet and Small-Beer, at less than a Groat a Day. In Times of Scarcity, 'tis true, it may be difficult to furnish him with Diet and Small-Beer, at a Groat a Day ; but, at such Times, the Soldier must take up with worse Fare ; and, as they very seldom happen, they cannot be made a Foundation for any established Regulation. A Famine may, indeed, arise in the Land : Such a Scarcity of Provisions of all Kinds may happen, as to render it impossible for a Soldier to subsist upon a Groat a Day ; but if any such Calamity should happen in the Country, and should continue for any Time, it would be absolutely necessary for the Government, to make a temporary Addition to the Soldiers Pay ; for it is not to be expected, that a Body of Men, with Arms in their Hands, will allow themselves to starve. You must enable them to purchase a Subsistence : If you do not, they will take it by Force. You must provide for them by Law ; if you do not, they will provide for themselves against Law. If you oblige the Owners of Houses, where Soldiers are quarter'd, to furnish them with Diet and Small Beer at a Groat a Day, it may, in a Time of Scarcity, in some Places, be a Loss to the Owners of such Houses ; but that Loss, I hope, will never be general, or of any long Continuance, and consequently can never be so great as to come within the Notice of the Law, for *de minimis non curat Lex*.

' I shall grant, Sir, that, if such a Scarcity as this were to be of any long Continuance, and no Additional Pay given to the Soldiers, in order to enable and oblige them to make an additional Allowance to their Landlords for Diet and Small-Beer, it would force many of our Public-Houses to give over their Business, because the Loss they had sustain'd wou'd disable them from continuing it ; but an Inn-keeper, Alehouse-keeper, or Victualler's being at a small Loss for a Week or two in a Year, or for a Month or two in seven, by being obliged to furnish the Soldiers quarter'd upon them with

Anno 14, Geo  
II. 1740.



Diet and Small-Beer, will never force him to give over his Business, even tho' our Army were much more numerous than it is; nor will his being so obliged, occasion any Broils between him and the Soldiers; because, if they should not rest satisfied with such Fare as he may afford them for a Groat a Day, and should on that Account be uncivil, and troublesome in their Quarters, he may have an easy Remedy, without any Expence, by complaining to the commanding Officer, who must, in order to recommend himself to the Government, be always ready to hear such Complaints, and to give Redress, by punishing the Soldier when he deserves it.

From this Consideration it is, Sir, that if any Thing is, by Law, to be left to Courtesy and Civility, it ought, I think, to be left to the Courtesy and Civility of the Soldier rather than his Landlord; because the former may, by martial Law, be punished for Want of Courtesy or Civility, but I know no Law by which the latter can; and, from Experience we find, we have less Reason to accuse Soldiers of Want of Civility, than we have to accuse their Landlords; which may be owing to this very Reason, that the Officers are always at hand, and have a Power to punish Soldiers for any rude Behaviour in their Quarters, whereas, the Persons upon whom they are quarter'd, are liable to no such Check. In the Affair at Wakefield, if it had not been for a most seasonable and prudent Interposition of the commanding Officer, a most dangerous Tumult might have ensued; for the Townsmen had exasperated the Soldiers to such a Degree, that it was with the utmost Difficulty the commanding Officer prevented their coming to Blows; and if he had not had a great deal of Prudence, as well as great Authority, over the Men under his Command, he could not have restrained them from revenging themselves upon some of those Persons that had used them so ill. I shall, therefore, never be afraid of putting it in the Power of Soldiers to demand from their Landlords what is necessary for their Subsistence, at such Prices as they can afford to pay; but I am extremely afraid of putting it in the Power of those Persons, upon whom Soldiers are quarter'd, to make it impossible for them to subsist; which will, I think, be the Case, if you do not agree to some such Regulation as I have proposed.

The Honourable Gentleman says, the Cases that have been mentioned are of an extraordinary Nature, and ought not, therefore, to be made a Foundation for altering the Law. Sir, the Case of Wakefield, and the Case of Ledbury, are not the only two Cases that might be mention'd: In many other Places, as well as there, the Inn-Keepers, and Ale-house-keepers

house keepers have refused to furnish the Soldiers with Diet and Small-Beer, or with Fire, and the necessary Utensils for dressing their own Provisions; and now the Question is started, I make no Doubt, but that, in a short Time, the Soldiers will meet with the same Refusal in every Corner of the three Kingdoms. It was never questioned, till very lately, but that an Inn-Keeper or Victualler was obliged to furnish the Soldiers quartered upon him with Diet and Small-Beer, at such Rates as the Justices should appoint, not exceeding a Groat a Day; but of late they have been by some Lawyers advised, that they are not obliged by Law to do so; and therefore we may expect, that, from henceforth, none of them will furnish the Soldiers quartered on them with Diet or Small-Beer, or with Firing, Salt, or any Kitchen-Utensils for dressing the Provisions they buy for themselves, which, in my Opinion, will make it impossible for the Soldiers to subsist, especially when they are upon a March from one Part of the Kingdom to another; and the necessary Consequence of this will, I think, be a Mutiny in the Army; which I dread much more than any Danger that can arise from obliging Inn-Keepers and others, to furnish the Soldiers quartered upon them with Diet and Small-Beer, at such reasonable Rates as the Justices shall appoint, not exceeding a Groat a Day.

I shall admit, Sir, that it is a little unequal, and will be a sort of Hardship upon the Owners of Public-Houses, to oblige them to furnish Soldiers with Diet and Small-Beer at a Groat a Day, when Provisions are dear; and yet to leave it in the Power of the Soldier to furnish himself, or in the Power of the Justices to make the Owners of such Houses take less, when Provisions are cheap; this, I say, I shall admit to be a Hardship, because in Time of Plenty the Owners of such Houses can have no Opportunity to repair the Loss they suffered in Times of Scarcity. But, Sir, it is a Hardship arising from public Necessity, and must therefore be submitted to. Is not the Quartering of Soldiers a Hardship as well as this? And yet no Scruple has ever been made to subject the Owners of Public-Houses peculiarly to this Hardship. It is a less Hardship upon them, than it would be upon any other Part of the People; and as their Business is more profitable and easy, than most other sorts of Employments, which People of an inferior Degree usually betake themselves to, the Parliament wisely, and, I think, justly too, resolved, that they alone should bear this Burden, as often as public Necessity should require. The Inequality, therefore, of this Burden or Tax, if you please to call it so, is not to be complained of; and if the Quartering

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tering of Soldiers were made a Handle of for oppressing any City, Borough, or Corporation in the Kingdom, especially for the sake of influencing Elections, I make no Doubt, but that we should soon hear a Complaint of it in this House, and upon that Complaint I as little doubt, that the Authors of such Oppression would meet with condign Punishment.

Thus, Sir, as I see no Dangers that can accrue from the Clause I have offered; as I apprehend many Inconveniences, and even Dangers too, from the Law's being left as it is, I must still hope to see what I have taken the Liberty to offer, or some Clause to the same Effect, made a Part of the Bill now under your Consideration.

Mr. Harley.

SIR,

Mr. Harley.

The Obscurity and Uncertainty of the Law now under our Consideration, proceeds from a very natural Cause, a Cause which renders all Laws obscure, that are intended by the Promoters to encroach upon the Rights, Liberties, and Privileges of the People. By the Laws of England, ever since we had such a Thing as an established Constitution, a Man's House is reckoned his Castle; no Stranger, no civil Officer is to enter into it without his Consent, unless he has committed, or is suspected to have committed some Crime, This was the Privilege which every Englishman antiently enjoyed; but Taxes and Standing-Armies have now deprived most of the Subjects of England of this valuable Privilege; and in all the Laws that have been made for this Purpose, we may observe an Obscurity, which by Degrees only has been cleared up. At first the Promoters and Contrivers were cautious, lest the Friends of Liberty should perceive the Extent of their Design, and in the Bills they proposed, they expressed themselves obscurely, that afterwards, in the Execution, they might by Interpretation extend the Efficacy of the Law: This raised Doubts and Disputes, and these have generally been cleared up by new or more extensive Encroachments upon the Liberties of the People.

These gradual Encroachments, Sir, are, in no Case, more apparent than in what relates to the Laws now under our Consideration. When this Project of quartering Soldiers upon Public-Houses without the Consent of the Owners, was first thought of, it would have sounded very harsh in the Ears of an Englishman, to have seen a Clause inserted, for compelling the Owners, even of such Houses, to receive such Guests, whether they would or no. The Projectors were therefore obliged to content themselves with a Clause for giving Liberty, not a Power, to Constables and chief Magistrates

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Magistrates to quarter Soldiers upon such Houses, and they said they desired this Liberty only for Soldiers upon a March, and for the first Night of their Arrival in the Places appointed for their Residence. They were forced to suppose, that the Owners of such Houses would willingly receive such Soldiers as were quartered upon them by the Civil Magistrate, but this Supposition they took care not to have expressed in the Law, it would then have plainly appeared, that there was only a Liberty, which was all they then seemed to ask, granted to the Civil Magistrate, to quarter or billet Soldiers upon Public-Houses, but that he had no Power to compel such Houses to receive them. This was to be left to Custom, because they knew, that few private Men would like to dispute the Power of their Magistrates; and if any such Disputes should arise, the Projectors trusted to their being able to get it explained in their Favour, by some new Clause. Accordingly, Sir, when the Dispute or Question was started, whether the Owner of a Public-House was obliged to receive the Soldiers quartered upon him by the Civil Magistrate, they at last got that Clause inserted, which has since stood in all Mutiny-Bills, whereby it is enacted, "That the Owners of such Houses shall receive the Soldiers so quartered upon them."

Thus, Sir, that which was at first desired as a Liberty only, has since been converted into a Power; and that Liberty or Power which was at first desired to be temporary only, that is to say, to quarter Soldiers *for one or more Nights in their marching, and for the first Night only in Places appointed for their Residence*, has been since made perpetual, by a very small and imperceptible Alteration in the Words of the Clause. When this Liberty or Power of quartering Soldiers upon Public-Houses, without the Consent of the Owner, was first asked, the Parliament would have been amazed if it had been expressly asked, that Soldiers should always be necessary Inmates in Public-Houses, that they should always have a Lodging at free Cost, even in the Places appointed for their Residence: Such a Proposal the Parliament would then certainly have rejected with Disdain. This the Projectors were sensible of; and therefore they asked, only for one or more Nights upon a March, and for the first Night only after their Arrival at the Place appointed for their Residence; but as they had the drawing up of the Bill, and were resolved, if possible, to extend it farther than was then desired, they took care that this Restriction should not be inserted in express Words, or in the proper Place, but brought in, as it were by Head and Shoulders, at the End of that Clause

Anno 14. Geo.  
II. 1740

Anno 14. Geo.  
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Clause which requires the Justices to appoint Rates for Provisions.

By this means, Sir, our Standing-Army-Projectors at first obtained a Liberty to quarter Soldiers, by the Interposition of the Civil Magistrate, upon Public-Houses, for one or more Nights upon their March, and for the first Night only in Places appointed for their Residence; and a Foundation for a temporary Lodging at free Cost, being thus laid, when the Mutiny-Act was revived in the first Year of the late Queen Anne, our Army-Projectors took care to lay a better Foundation for rendering this temporary Privilege perpetual, by requiring Justice to appoint such reasonable Rates for all necessary Provisions for such Officers and Soldiers, for one or more Nights in their marching thro' their Cities, Towns, and Villages, *as shall be appointed for their Residence or Quarters*. In this Form this Clause continued for several Years; but at last it began to be conceived in these Words, "And the Justices of the Peace aforesaid are hereby empowered and required to set and appoint such reasonable Rates for all necessary Provisions, for one or more Nights, in the several Places which Soldiers shall come to in their March, or *which shall be appointed for their Residence and Quarters*;" in which Words, or Words to this Effect, the Clause had stood ever since. This, as appears, is but a very small Variation from the Clause as it stood at first; and, I am persuaded, it was imperceptibly introduced, that is to say, without being taken Notice of by those who were the true and sincere Friends of the People, and of the Liberties of their Country. The Misfortune is, that those who are for keeping up Standing-Armies, have generally the drawing up of such Bills; and this makes it easy for them to introduce, imperceptibly, very material and dangerous Variations, when they are not most strictly looked after.

But this, Sir, is not the only Misfortune: They have not only the drawing up of the Bills, but they have the Execution of them after they are passed into Laws; and in the Execution they put that Interpretation upon them that best suits their own Purposes, in which they are encouraged by a Backwardness, too common among private Men, to contend with the Government about the Interpretation of a Law, which probably was made obscure, on purpose to enable those entrusted with the executive Power to carry it farther than was ever dreamed of, or would have been approved of by a Majority of those entrusted with the Legislative. Thus, tho' our Army-Gentlemen had for several Years no Power, and for many Years no express Power, to

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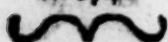
Anno 14, Geo.  
II. 1740.

quarter Soldiers in the Places appointed for their Residence, except for the first Night only after their Arrival there, yet they introduced the Custom of quartering Soldiers even in the Places appointed for their Residence, and during the whole Time of their Residence; so that the Quartering of Soldiers, instead of being a temporary, became a perpetual Burden upon the Public-Houses in Westminster, and many other Parts of the Kingdom. And this Custom being once introduced, they at last got a sort of legal Authority for it, by getting a Clause inserted in the Mutiny-Bill, passed the 7th of the late Queen, whereby it was enacted, " That the Constables in Westminster and Places adjacent, should billet Soldiers of the Foot-Guards in such Houses only as by the Act are limited, in and about the City of Westminster, except the City of London. But this of quartering Soldiers in the Places appointed for, and during the whole Time of their Residence, was deemed to be such a Grievance, that in the first Year of the late King, and by the first Mutiny Bill passed in his Reign, a Clause was inserted, by which it was enacted, " That nothing in that Act should extend to compel the Quartering of any Foot Soldiers in England, unless within ten Miles of his Majesty's usual Residence, or the Place where he should be present, or in some Garrison where sufficient Barracks were not provided, or upon their Marches; and that in such Marches no Persons should be obliged to quarter them above *six Days* at a Time."

" I have the more fully opened this Affair to you, Sir, because when the present War is over, which, I fear, will not be soon, unless we pursue it with more Vigour than we have done hitherto, or put an End to it by an inglorious Peace: I say, Sir, when the present War is over, I hope we shall embrace the Opportunity of returning, as near as possible, to our ancient Constitution. We may think it necessary to keep up some regular Troops in Time of Peace; but I can see no Occasion we have for a Mutiny Bill, unless when we are actually engaged in War. We kept up some regular Troops even in the peaceable Part of King William's Reign, and those Troops, so far as I could ever hear, were kept in good enough Order without any Mutiny-Bill; for from the 10th of April 1698, to the 20th of February 1701, when a War with France and Spain began to be thought unavoidable, we had no Mutiny-Act subsisting in this Kingdom; and I shall always be against having such Law subsisting, except when absolutely necessary; because I do not like to make Slaves of those in Time of Peace, to whom we are to trust our Honour and our Defence in Time of War.

• Having

Anno 14. Geo.  
II. 1740.



Having thus given you my Sentiments about the Time for which Soldiers may or ought to be quartered, before I come to the very Point now in Question, I shall beg Leave to explain a little farther, how, and by what Degrees the Owners of Public-Houses were compelled to receive the Soldiers quartered upon them by the Civil Magistrate. I have already taken Notice, that when the Quartering of Soldiers upon such Houses was first ask'd for, it was ask'd for as a Liberty only, not as a Power. The Constables and Magistrates were not empowered and required, it is said only, that they may quarter and billet Officers and Soldiers upon Inns and other Public-Houses: Nay, the Constables and Magistrates might have refused so to do: There was no Law for punishing them for such Refusal, till the first Year of his late Majesty's Reign, when a new Clause was inserted for that Purpose. And as to the Owners of Public-Houses, they were for many Years left entirely at Liberty, whether they should receive the Soldiers so quartered upon them; for I know of no Law that so much as seemed to oblige them to do so, till the tenth of the late Queen Anne, and then this compulsory Clause was introduced but in a partial Manner; for in that Law a new Clause was introduced, by which it was enacted, "That if any Person should be aggrieved by a Constable's billeting in his House a greater Number of Soldiers than he ought to bear in Proportion to his Neighbours, upon Complaint to a Justice of Peace, that Justice was to relieve him, by ordering so many of the Soldiers to be removed and quartered upon some other Persons, who shall be obliged to receive them accordingly."

This, I say, Sir, is the first Clause I can find, in any of our Mutiny-Acts, that seems to oblige Owners of Public Houses to receive any Soldier so quarter'd upon them; but this Foundation being once laid, a Pretence has from thence been taken, to insert some new and general Words in all our Mutiny-Bills of late Years, by which it is enacted, "That the Officers and Soldiers so quartered and billeted as aforesaid, shall be received by the Owners of the Inns and other Public-Houses;" and it is remarkable, that these Words, which make so great an Alteration in our Law, were not formed into a Clause by themselves, but were, as I may say, stoll into the Beginning of that Clause, which enacts, "That the Soldiers shall pay reasonable Prices for the Provisions furnished them by the Owners of the Houses, where they are quartered."

You may now see, Sir, by what slow, what hidden, and what imperceptible Degrees our Mutiny-Act is arrived to its present Maturity and Perfection; and now I must say, the finishing

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finishing Touch seems to be designed. Finishing I may call it, Sir, in a double Sense; it will be the finishing Touch to this Bill, and I am afraid, the finishing Blow to the Liberties of our Country. Our Soldiers, which I am sorry for, and which we may come heartily to repent of, if we should ever have Occasion for their Courage; our Soldiers, I say, have long been made Slaves by this Bill; and now, the Owners of all the Public-Houses in the Kingdom are to be made the Slaves of those Slaves: For this will be the Case, if we should by any express Law oblige the Owners of such Houses to furnish the Soldiers quartered upon them, with Diet and Small-Beer, whether they will, nay whether they can, or no.

Sir, it is, in my Opinion, of very little Signification to the present Question, whether this was or was not the Meaning of all or any of the Mutiny-Bills we have passed into Laws. I am very sure, I never thought it was; and if it were determined to be so, by the Decree of any Court of Judicature in England, I should be for our taking the first Opportunity to alter the Law in this respect. But when we talk of the Meaning and Intention of such Laws, we ought to distinguish between the Meaning and Intention of those that were the chief Promoters of them, and the Meaning and Intention of those who only gave their Consent to the passing of them. As to the former, I make no Question, but it was their Meaning and Intention to oblige the Owners of Public-Houses to furnish the Soldiers with all necessary Provisions, tho' they durst not declare their Intentions in express Words, because it would either have thrown out their Bill, or have occasioned the inserting of some express Words against what they intended: They therefore chose to draw up their Bill in a dubious Sort of Expression, that after they had got it passed into a Law, they might make the most of it in the Execution; and, indeed, they made so good an Use of their Power in the Execution, that the Owners of most Public-Houses did agree to what they desired.

But in this, Sir, they were at first very much favoured by the Circumstance of the Times; because the Nation being at that Time engaged in a heavy and expensive War against France, the Revolution in its Infancy, and our public Credit far from being so well established as it has been since; our Government was often very short of Money, and very dilatory in their Payments to the Army, especially to those Regiments that remained within the Kingdom, who were sometimes for several Months together without receiving any Pay; and when our Soldiers had no Money to purchase Provisions for themselves, it became necessary to have them provided for by those upon whom they were quartered.

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tered. It was, therefore, the Public Necessity that made the Owners of Public-Houses submit to the furnishing the Soldiers with Diet and Small-Beer, and not any Consciousness of their being obliged by Law to do so; and for the same Reason, the Parliament, at that Time, connived at the Interpretation put upon the Mutiny-Act by those that had been the Promoters of it: Nay, in the Year 1696-7, the Parliament agreed to a Clause, which seem'd to confirm this Interpretation; for it was then enacted, "That no Innholder or other Person should, during the Continuance of that Act, be oblig'd to provide Meat or other Victuals for any Soldiers, legally quartered on them, except in their March only, if they should give or tender to each Horseman 6d. per Diem, for his Subsistence in Meat only, and to every Dragoon and Foot Soldier 4d. per Diem for the same, besides Candle and the Use of his Fire for dressing his Meat;" and by another Clause in the same Act it was provided "That Inn holders and others should furnish for every Soldier, lawfully quartered upon them, Lodging, Small-Beer, and Candle, with the Use of Fire to dress his Meat by, and Hay and Straw to a Light Horseman, and 5d. per Diem to a Dragoon. But one may easily see, that these Clauses proceeded from the Necessities the Public was that Year reduced to, by Reason of the clipp'd Money having been called in to be recoined but the Year before, and by Reason of the vast Expence this Nation was at in supporting the War, which laid them under a Necessity of paying 8 per Cent. for Money borrowed in that Year; and this obliged the Parliament to consent to this harsh and unequal Method of providing for the immediate Subsistence of the Troops.

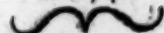
I am, therefore, very well convinced, Sir, that it was never the Intention of the Majority in Parliament, to subject the Owners of Public-Houses to the unequal and heavy Burden of being obliged to furnish the Soldiers, quartered upon them, with Diet and Small-Beer, at a Groat, or any other Rate, per Diem; and, I believe, no Lawyer will say, that a Man can be subjected to a Penalty, or Obligation, by Inference from any Words in a Law that can admit of another Interpretation. But whether or no the Majority of Parliament have been drawn in to do what they did not intend, as I am no Lawyer, I shall not pretend to determine. I must be, at least, doubtful in my Opinion; and I have a very good Authority for being so; for in the Affair at Ledbury, a very great Lawyer, and one of the Judges upon the Assizes then holding there, I mean Judge Comyns, was asked his Opinion upon this very Question, and he declared himself to be doubtful.

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‘ The Argument, Sir, which has been drawn from the Clause requiring Justices to settle the Price of Provisions, is of very little Force; for I do not think the Justices had from thence any Power to prescribe how much a Soldier should eat, or to order that his Landlord should furnish him with as much as he could eat for a Groat, or at any lesser Rate per Diem: They were only to appoint and ascertain the Prices of all necessary Provisions, such as Bread, Small-Beer, Beef, Mutton, Butter, Cheese, and the like, according to the Market Rates, at that Time, and in that Place; and this Appointment of theirs, neither was, nor could be supposed to take Place, but in Cases where the Soldier and his Landlord could not agree between themselves. Their Interposition was design’d only, and could be design’d for nothing else than to prevent Disputes between Soldiers and the Persons upon whom they were quarter’d. And, surely, it would have been a very lame Provision for paying, duly and justly, the Quarters of the Army, if the Law had obliged an Inn-keeper to furnish every Soldier with as much as he could eat, and of what Sort of Provisions he pleased to insist on, without allowing him any more than a Groat a Day, even in the dearest Times, and for the best Sort of Provisions.

‘ To tell us, Sir, that the Inn-Keeper will always meet with Redress from the commanding Officer, in case a Soldier insists upon too much, or too delicate Fare, because the Officer will thereby recommend himself to the Government, is something very strange, because it may, in many Cases, be directly otherwise: A Regiment or two may be sent to correct an unruly County, City, or Borough: A private Hint may be given to the commanding Officer, that this is the Design of sending him there, and this Design may be communicated to the Soldiers. Must we not, in this Case, suppose that the Soldiers will make the most rigorous Use of every Right granted them by Law? Can we suppose, that the commanding Officer will be ready to hear or redress the Complaints of the Inhabitants? If he is, I am sure, we cannot suppose he will thereby recommend himself to the Government. Such a Case as this, Sir, may certainly happen; and we are not to suppose, that no such Case ever did happen, because no such Complaint had ever been brought to Parliament. It is impossible, Sir, to prove the Fact upon which such a Complaint must be grounded. The true Cause of sending a Regiment to quarter upon a Borough, may be suspected; it may be almost certainly guessed at; but Ministers have so many Reasons or Pretences to alledge for sending one or more Regiments to any Part of the Kingdom

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Anno 14, Geo II. 1740 that it is impossible to prove, they had no other Reason but that of the Borough's having sent two disagreeable Faces to this Assembly.

• But suppose, Sir, that no such Case could ever happen; and suppose that the Officers of the Army should always be ready to hear and redress every just Complaint against the Soldiers, or any Soldier, under their Command; tho' I have a very good Opinion of the Justice, Honour, and Impartiality of the present Officers of our Army, yet, I shall never agree to a Regulation that renders any Part of the People liable to be oppressed by the Soldiers, without any Relief but from the commanding Officer. I do not think, that the establishing of this Regulation can be presumed to have been the Intention of any Parliament of Great Britain, unless we, at the same time, suppose that the Majority of the Parliament consisted of Officers of the Army, which is not to be supposed of any British Parliament hitherto; tho' I do not know what may be the Case hereafter, if a Bill several times proposed without Success, should never meet with a better Fate than it has done. If this, indeed, should happen, we may expect to see such a Clause as this approved of, and another Clause, which is the only one I can at present think of, that is wanting to make this Bill a complete System of Slavery; I mean a Clause for subjecting Public-Houses to severe Penalties, if they do not furnish the Soldiers quartered upon them, with convenient Lodging and all necessary Provisions.

• Such a Clause as this, I say, Sir, seems to be wanting; and if we agree to the Clause now offered, I shall expect to see such a one as this offered in the very next Session of Parliament; for your obliging Inn-Keepers to receive Soldiers, and to furnish them with Diet and Small-Beer, will not signify much, unless you subject them to Penalties, or empower the Soldiers to make Distress and Sale of their Goods, if they do not.

• I mention this, Sir, to shew you what this superlative Care of the Army must, at last, drive you to: But what must be the Consequence? In a little Time you will have no Inns, Alehouses, or other Public-houses in the Kingdom; at least, not near sufficient for quartering your Army; and then you must quarter your Soldiers upon private Houses, or build Barracks for them. The latter, I confess, I should rather submit to, tho' I think the certain Consequence of it would, at last, be a military Government; because it would, in a short Time, render our Army a sort of distinct People. Whilst our Soldiers are quartered in the Public-houses up and down the Country, it preserves a Correspondence, and an

Intimacy

Intimacy between them and the People: They often contract Friendships together, which preserves in the Army a Regard for the People, and makes them look upon themselves as nothing more than Fellow-Subjects; but, if they should once come to be lodged in Barracks, separate and distinct by themselves, they would soon begin to look upon themselves as sole Masters: They would then break off all Correspondence with, and lose all Regard for the People; and would be the same, in every Respect, with foreign Troops. They would consider nothing but their Pay and Preferment in the Army, and would be ready to obey the most illegal Orders that could be given them by their Commander in Chief; the Consequence of which would be, the Establishment of a military Government.

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‘ These, Sir, are Consequences that are most justly to be dreaded from your agreeing to what is now proposed; but, on the other hand, what is the Consequence we are threatened with? I am really surprized to hear it mentioned in this House. It is said, if you do not agree to some such Clause as this, the Army will mutiny. What, Sir, will the Army mutiny, if you refuse them a Liberty to oppress the People? When I hear this House threatened with such a Consequence, I must say, it is high Time for us to think of reducing our Army, or of sending them, where they ought to have been sent long ago, Abroad to fight our Enemies, where they may gain both Honour and Wealth to themselves, and at the same time vindicate the Honour of their Country. It is a common Failing of weak Minds, and sometimes of weak Ministers too, Sir, to avoid lesser Evils by running themselves into greater, and rather than expose themselves to a small immediate Danger, to run headlong into a Danger which is much greater, but a little more remote: I wish this may not lately have been our Case, with regard to foreign Affairs; I am sure it would be our Case, with respect to domestic, if, for fear of a Mutiny in the Army, we should give them a legal Title to oppress the People; which would be the Consequence of our agreeing to the Clause proposed, and therefore I must declare against it.

Mr. Pelham.

SIR,

‘ I was heartily sorry when I heard that any Doubt or Dispute had arisen, about the Affair you have now under your Consideration. I foresaw, that the Discussion would be attended with great Inconveniencies, and that it would have been much better, if the Question had never been started

Mr. Pelham

Anno 14, Geo.  
II. 1740.

started. Whilst the Inn-keeper thought he was obliged to furnish the Soldier with Diet and Small-Beer, and the Soldier doubted if he was, it made both of them live easy with one another: The Inn-keeper provided for the Soldier the best he could afford for the Money, because he thought himself obliged to do so; and the Soldier often contented himself with the worse Fare, rather than be obliged to take the Trouble of providing for himself. But now the Question is started, and especially as the Opinion begins generally to prevail, that no Inn keeper, or other Person upon whom Soldiers may be lawfully quartered, is obliged to furnish the Soldiers with any sort of Provisions, I confess, I thought it would be absolutely necessary to put an End to the Dispute by some such Clause as my Honourable Friend has proposed. However, I must say, I now wish it had not been proposed, or the Doubt so much as mentioned in this House, because the Clause seems to give several Gentlemen great Apprehensions; and if the Clause should be rejected, it will be interpreted by the whole Nation, as the Opinion of this House, that Inn keepers and others are not obliged to furnish any Diet or Small Beer for the Soldiers quartered upon them.

I shall not take up your Time, Sir, with giving you my Reasons, why I think otherwise; for, as I do not pretend to be learned in the Law, I cannot presume, that my Opinion will have any Weight, or that my Reasons will be satisfactory: And, indeed, I think it below the Dignity of this House to consider the Point in this Light, because, if the Law were wrong, it is our Business to rectify it; and if it should be Law, but is not, it is our Business to make it so. We are therefore to consider, whether it be in itself right or wrong, that Inn-keepers, and others, upon whom Soldiers may be lawfully quartered, should be obliged to furnish the Soldiers, so quartered upon them, with Diet and Small-Beer at a Groat a Day, or such lesser Rate as they shall agree on. In my Opinion, it is right it should be so, and I have one very strong Argument in my Favour, which is almost forty Years Experience. Whatever the Meaning of the Law may be, it is very certain, that ever since the first Mutiny-Act was passed, which is thirty-nine Years ago, the Opinion has generally prevailed, that the Owners of Public-houses were obliged to furnish the Soldiers quartered upon them with Diet and Small Beer: This, I say, has been the general Opinion till very lately, and the Law, in this Sense, has been generally complied with. In all that Time, it has never produced any Inconveniencies, nor can the Owners of such Houses say they ever met with any Oppression or Exaction from

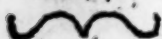
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from the Soldiers quartered upon them, but what was redressed by the Officers, as soon as they heard of it. Anno 14, Geo. II. 1740.

‘ The Law therefore, Sir, during the Time it has been interpreted in this Sense, has produced no bad Effect ; but if it should be interpreted otherwise, as it will be, if you reject this Clause, God knows, what ill Effect, it may produce. No Inn-keeper, or other Person, upon whom Soldiers may be lawfully quarter’d, will think himself obliged to furnish any Thing for the Soldiers, even when they are upon a March ; and consequently, no Inn-keeper will furnish any Thing, unless they agree to pay the Price he pleases to demand. The Justices may appoint Prices, but what will that signify, if no Man be obliged to furnish or sell to the Soldier at that Price ? The March of a Regiment, Troop, or Company, will occasion a Market or Election-Day at every Country-Town they pass thro’ ! The Prices of all Manner of Provisions will rise to double what they are upon ordinary Occasions ; and if the Soldiers will not, or cannot, which will be truly the Case, pay those Prices, no Man will sell them any Thing. Sir, it is easy to see what this must produce : The Soldiers will not starve in a Country where there is Plenty ; it is unreasonable to expect they should ; and if they cannot pay the Prices demanded, they will take what they want at their own Price, perhaps without paying any Price, because the Crime will, in strict Law, be the same. They will break open Doors to come at it, or to search for it ; and if such a Body of Men should once begin to think themselves criminal in the Eye of the Law, they will naturally and of course begin to think of destroying that Law, which would destroy them ; especially, as they will expect, and in such Case might, probably meet with the Support of the whole Army.

‘ These Effects, Sir, are certainly to be apprehended, because, I think, they are the natural Consequences of your altering the Law, in this respect. I call it altering the Law, because, if it was not Law, it has at least been understood to be Law for almost forty Years past. If this was really the implied, tho’ not expressed Meaning of the Law, surely no great Inconvenience can arise from your making the Law more explicit : If this was not the implied Meaning of the Law, I think, you ought now to make it the expressed Meaning of the Law, because the public Safety requires it. Some Method must be taken to provide for the Soldiers : They must live, and they must live upon a Groat a Day, because they have no more to give. They must have necessary Provisions at the Prices they are able to pay for them, and they must have them at or about the Places where they are quartered,

Anno 14, Geo.  
II 1740.



tered, because according to the Rules of Discipline in the Army, they cannot go elsewhere to seek for them. If you oblige the Owners of Public-houses to furnish necessary Provisions for the Soldiers quartered upon them, at the Prices the Soldiers are able to pay, for at those Prices they must furnish or not at all, you only make them a sort of Purveyors for the Army, which has never been thought a bad Employment: They will generally have some Days Notice of a Regiment, Troop, or Company's coming to be quartered upon them, and will take care to provide some Days beforehand, when the Markets are cheap, or they will send to the Market-Town in the Neighbourhood where they can buy cheapest. They will always have many Opportunities, and many Methods of providing for the Soldiers, at a cheaper Rate than they can provide for themselves; and since they may so easily, and so certainly, provide for the Soldiers quartered upon them, at such Prices as the Soldiers are able to pay, I cannot think there would be any great Hardship in obliging them to do so.

The Dangers from thence arising, and which have been set in so terrible a Light by some Gentlemen in this Debate, are in my Opinion, Sir, mere Bugbears, created by the Imagination only. It will very rarely happen, especially in Places at any Distance from London, that a Soldier may not be plentifully furnished at the rate of a Groat a Day; and if any Soldier should insist upon a greater Quantity of Victuals, or upon more delicate Fare, than can be furnished at that Price, he will not only be despised by his Companions, but punished by his Officer; for hitherto in the Army, and, I hope, it will always be so, there is nothing reckon'd more dishonourable and despicable than for a Soldier to be troublesome and uneasy in his Quarters, without any just Cause; from whence, I believe, it would be a very dangerous Project to send Soldiers to quarter in a City or Borough, with a private Hint to be as oppressive as possible in their respective Quarters, in order to punish City or Borough on Account of an Election. Thank God! the Soldiers of our Army would as yet despise such Hints, and those that gave them: They would think themselves obliged in Honour to discover the Authors of such treasonable Practices against the Constitution of their Country; and therefore, upon a Complaint, it would be very easy for this House to find out and punish the Authors: Nay, as we are not tied down to the Rules of Evidence in Westminster-Hall, we might very probably by proper sifting, come at the prime, and original Author.

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‘ For these Reasons, Sir, I must think, that the Dangers pretended to arise from our obliging the Owners of Public-houses to furnish Diet and Small-Beer for the Soldiers quartered upon them, are all imaginary ; but the Dangers arising from our leaving the Soldiers of our Army unprovided for, and often without a Possibility of providing for themselves, are far from being so. These Dangers therefore must be guarded against : I should be glad to find some other Expedient for avoiding these Dangers ; but if no other can be found, we must take what is now proposed. It is the Business of every Gentleman here, when any Difficulty or Danger occurs, to think of, and contrive such Expedients as may be most effectual and most safe for his Country ; and yet there are some Gentlemen in this House, who seem to behave in a very different Manner : They are always starting Objections against, and presaging Dangers from every Expedient they hear proposed, but never offer any Proposal, any Remedy or Prevention, of their own. As these Gentlemen seem to have a mighty fruitful Invention, I wish they would apply it to the Case now before us : I wish they would propose some other Expedient for preventing the Evil we are at present threaten’d with. If they do, I promise them, I shall give it a candid and impartial Examination ; and if I think it more effectual or more safe than what is now proposed, I shall certainly give it the Preference.’

Anno 14, Gen.  
II. 1740.

A.

SIR,

‘ I shall not pretend to tell you what is now the Law, with regard to the quartering of Soldiers. I have carefully read over the Act now subsisting for that Purpose ; but I must confess, I am a little doubtful in my Opinion, and I have no Reason to be ashamed of saying so, after so great a Lawyer, as Judge Comyns, declared himself doubtful, as an Honourable Gentleman has been pleased to inform us. I have a very great Regard for the two learned Gentlemen, who have given their Opinions upon the Question ; but as I am conversant among Lawyers, I have known Lawyers give Opinions in this House, which were contrary to the Opinion of the most Noted of the Profession ; and therefore, the Opinions that have been given, can be no Authority for declaring what is Law at present.

‘ The Honourable Gentleman who spoke last, Sir, has told us, that whatever may be the Meaning of the Law, it has for near forty Years past been a prevailing Opinion, that the Owners of Public-houses were by Law obliged to furnish the Soldiers quartered upon them, with Diet and Small-

A.

Anno 14, Geo.  
II. 1742.

Beer. That this, Sir, has been the general Practice, may be true; I believe the Owners of such Houses have generally done so; but this is no Proof of its having been the general Opinion, that they were by Law obliged to do so. A Man will submit to a small Hardship, rather than contest a doubtful Point in Law; but when that Hardship becomes grievous, he thinks it worth his while to contest it, rather than submit to it any longer. The Doubt that has been lately started, does not, therefore, proceed from People's having altered their Opinion, but from your having kept up such a numerous Army for such a Number of Years. The People grew at last tired of submitting to a Hardship, which they doubted if they were obliged to submit to, and which, instead of being removed or lightened, they found it to be growing almost every Year more heavy than it was before.

‘ This, Sir, is the true Reason of the Doubt that has been lately stated, in relation to the furnishing of Soldiers with Diet and Small-Beer, or with Hay and Straw for their Horses, at the Prices allowed by the Government; and we have now such a great Number of Land-Forces within the Kingdom, that I am not at all surprized at the People's being generally resolved to have this Question determined one way or other. What Use was designed, or what Use will be made of this great Land-Army, I shall not pretend to guess; but I am afraid, no Use, at least no military Use, will be made of them. As we are in course to have next Summer a new Parliament chosen, the great Augmentation we have made, and the expensive manner in which we have made that Augmentation, gives Occasion to very ugly Suspicions. People know what an Use may be made of Commissions for Officers to serve in the Army, with regard to Elections for Members to serve in Parliament: A Commission, or the Promise of a Commission in the Army, may engage a Man and his Friends to vote for a weak or wicked Minister, who would otherwise most certainly vote against him: The Terrors of having a Regiment of Foot, or a Regiment of Dragoons sent to quarter upon a Borough, may engage the Magistrates, some of whom are often Inn-keepers, to vote for a Court Candidate, whose Face they had never the Pleasure to behold, in Opposition to the most hospitable and honest Gentleman in their Neighbourhood.

‘ These, Sir, are some of the illegal Uses that may be made of an Army; and every illegal Use that can be made of an Army, will receive new Strength from the Amendment now proposed. If you lay Inn-keepers, and other Owners of Public-houses, under a legal Obligation to furnish the Soldiers with necessary Provisions for themselves and Horses, at certain

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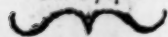
certain Rates to be appointed by Law, as you cannot ascertain either the Quantity or Kind of such Provisions, the Owners of such Houses will never be able to satisfy the Soldiers quartered upon them. The Soldier will insist upon having more for a Groat, than the Inn-keeper can buy for Six-pence, which, it must be allowed, would be a very great Oppression upon the latter; and how is he to be relieved? Why, by the Civility and Good-nature of the commanding Officer. Sir, the Officer may be good-natured and humane, I believe many of them are so; but it is hardly possible to prevent a Man's being a little partial to one of his own Cloth; and therefore, I must think, a Law for subjecting the People to such an Oppression, without any other Remedy, could neither be called good-natur'd nor humane; especially if we consider, that when a Regiment is sent to correct an obstinate Borough or County, the commanding Officer, without so much as a Hint, will know, that this Preferment depends upon his giving no Ear to the Complaints of the Inhabitants.

Anno 14, Geo.  
II. 1740.

Our passing such a Law as this, at this Time, will therefore very much increase those Suspicions that have been already raised by the Augmentation we have lately made to our Army, and the expensive manner in which that Augmentation has been made; and in these Suspicions most People will be confirmed, if the greatest Part of our Army is not very soon sent out of the Kingdom, to carry on with Vigour the War we are now engaged in. If any thing like this be designed, we have no Occasion for altering or explaining the Law; because the People will then have but few Soldiers quartered upon them, and will therefore continue to do, as they have done for almost forty Years past. The Owners of Public-houses will continue to furnish the Soldiers with necessary Provisions, when the Soldier contents himself with such Provisions, as his Landlord can furnish at the Price allowed by the Government: Nay, they will furnish the Soldiers, I believe, with better Provisions, and with more Good-will, than they have done for twenty Years past; for when a Part of the Army is employed in fighting victoriously, as I hope they will, against the Enemies of their Country; the Name of a Soldier will then again begin to be respected and beloved by the People.

This, Sir, will be the Consequence of sending a great Part of our Army Abroad to fight against the Enemies of their Country, instead of keeping them at Home to oppress the People, and influence the next general Elections. But really, Sir, the Proposition now made to us gives me some Reason to apprehend, that there is not so much as a Design to send any great Part of our Army Abroad; and this makes

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II. 1740.



me the more unwilling to agree to what the Honourable Gentleman has been pleased to propose ; for if such a Number of regular Forces be kept within the Kingdom, but for a few Years, and such a Law as is now proposed kept in Force, the Number of Public houses will decrease so much, that it will be impossible to find Quarters for the Army in such Houses, and this will of course make Barracks absolutely necessary, which will soon put an End to our happy Constitution. We must always have in this Kingdom a great Number of Travellers upon our public Roads: If we had no Trade, which may be the Consequence of our late Measures, if not soon altered, yet the very Nature of our Constitution occasions a greater Number of Travellers in this Kingdom, than in any neighbouring Country: The Members both of this and the other Houses of Parliament must be accommodated with Lodging and Stabling, in their Journeys to and from Parliament; but how shall they be accommodated, if every Inn they come to be full of Soldiers? Will they lie in the Streets to make room for a Lord or Member of Parliament? Will they be commonly civil to any Traveller that comes to hamper them in their Quarters? On the contrary, they do not always behave in the most civil manner to Travellers, even of the first Rank; for lately at North-Allerton they seized on and carried off a Reverend Prelate's Dinner, upon Pretence, that the Landlord had not provided sufficiently for them. What Redress the Reverend Prelate met with, or whether he applied for any, I do not know; but he could not recover his Dinner; and this shews what Inconveniencies we, as well as other Travellers, may be put to, if all the Inns of any little Town we may come to upon the Road, should be so crammed with Soldiers, as not to be able to furnish Accommodation or Entertainment for any Traveller.

I shall grant, Sir, that whilst we keep such a numerous Army within the Kingdom, and continue the modern French Practice of having some Part of that Army always marching and counter-marching from one End of the Kingdom to the other, under Pretence of what is called changing of Garrisons: I say, whilst we do so, the Soldiers may often be under great Difficulties with regard to Provisions, both upon their March, and in their settled Quarters, unless we oblige their Quarters to furnish them at such Prices, as they can afford to pay; but the most proper Expedient for avoiding this Inconvenience, is, in my Opinion, very obvious, which is, to send the greatest Part of your Army against the Enemy in Time of War, and never to keep a greater Number of Troops within the Kingdom, than are absolutely necessary

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say for the just Ends of Government. I will undertake, Anno 14, Geo. II. 1740. that when the People know, that any Part of your Army is marching thro' the Kingdom, in order to go and fight the Enemies of their Country, they will freely and voluntarily furnish the Soldiers with every thing necessary upon their March; but they are sensible of what is meant by changing of Garrisons, which in absolute Governments is intended chiefly to prevent the Soldiers from acquiring any sort of Attachment to the People amongst whom they live, and to make them look upon themselves, as a Body of Men quite distinct from the People, I cannot say, amongst whom they live, but amongst whom they sojourn; and therefore, the People of this Kingdom most reasonably complain, and resent their being oppressed or incommoded with the Marching or Counter-marching of regular Troops, when they know, or at least imagine it to be intended for such a dangerous and arbitrary Purpose.

Having thus, Sir, mentioned one Expedient, and I think the only proper Expedient, for preventing the Inconvenience complained of, I hope the Honourable Gentleman will not hereafter say, that there are any Gentlemen in this House, who are always starting Objections against every Expedient they hear proposed, but never offer any Remedy or Prevention of their own. Gentlemen have Reason to object against Remedies that are apparently worse than the Disease, especially when the true Remedy is obvious; but as I am suspicious, that the Remedy I have now offered will not be approved of by our chief State Physicians, and am for seeing any Remedy applied rather than that now proposed, I must observe, that another Remedy has already been mentioned in this Debate, which I think less oppressive than what is now proposed, and which I the rather approve of, because it was made Use of soon after the Revolution. As that was a Time, Sir, which I highly approve of, I am for going as near it as possible, and therefore, if we must keep up such a numerous Standing Army as we have at present, and must keep them all at Home too, I am for doing something like what was done in the Year 1696-7. In that Year, as an Honourable Gentleman has already told us, a Clause was inserted in the Mutiny-Act, by which it was provided, that no Inn-holder should be obliged to provide Victuals for any Soldier, if he should give him 4d. a Day, besides Candle and the Use of his Fire for dressing his Meat. As our Army is now regularly paid, we have no Occasion for obliging the Inn-holders to advance any Money to the Soldiers quartered upon them, but if there be now an absolute Necessity for any thing like what is now proposed, I think

Anno 14, Geo  
II. 1740.

think we ought to give an Option to Inn-holders, either to provide Victuals for such Soldiers, at the Rate of 4d. a Day, or otherwise to furnish them with Lodging, Candle, Utensils for dressing their Meat, and the Use of their Fire, for nothing.

‘ Even this, Sir, will be a very great Hardship upon the Owners of our Public-houses; but, I think, it will be a less Hardship than that of subjecting them to the arbitrary Demands of the Soldiers quartered upon them, for what they may be pleased to call necessary Provisions. How this Expedient will do, or whether it may appear to be sufficient for removing the Evil complained of, I do not know; but as it is a Matter of the utmost Importance, I think neither this, nor any other Expedient ought to be rashly gone into; for which Reason, I think, we ought to take some Days to consider of it, and for that Purpose to adjourn the Committee. There is no Necessity for immediately commencing a Law-suit, in order to determine the Question lately started upon this Subject. If the Necessity for this Determination cannot be removed, by a Diminution of our Army, I hope, we shall in this House fall upon some Method for determining the Question, without sending it into Westminster-Hall; for tho’ I belong to Westminster-Hall, yet I shall always be against People’s being brought there for deciding any Question. I wish they were not so apt to come there, as I find they are: It might be a Loss to me, but it would be a Gain to the Nation; and I shall never desire to increase my Profits at the Expence of my Country.’

B.

S I R,

B.

‘ We are now about reviving an expiring Law: The Meaning of that Law, as it stands at present, appears to be doubtful, as has been acknowledged by most Gentlemen who have spoke in this Debate. Can it admit of a Dispute, whether we ought to remove that Doubt, by some explanatory Words in the Bill now before us? Would it not be a most egregious Solecism for a legislative Assembly to enact a Law which they know to be doubtful? Let us consider what a Number of Law-suits may be occasioned before this Time Twelvemonth. You cannot, at least you ought not, I think, to make a Law with a Retrospect, and therefore you cannot put an End to these Law-suits, by any new Law to be passed a Year hence. Tho’ you are the Makers, yet you are not by our Constitution the Interpreters of the Law: His Majesty’s Judges in Westminster-Hall are the Interpreters; and they are sworn to give Judgment in every Case that comes

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comes before them, according to the Laws which were in Anno 14, Geo. being when that Case happened. Suppose now, you should put off the explaining of this Law till next Year, and 500 Actions should before then be commenced upon the Doubt now acknowledged to be in the Law, the Explanation you then put upon the Law, would not put a Stop to any of these Law-suits; because the Judges might be of Opinion, that the Words of the Law could not bear the Explanation you had put upon them by a new Law. In all Cases that might happen afterwards, they would be obliged to determine according to your Explanation; but in Cases that had before occurred, they would in Conscience be obliged to determine according to their own Opinion, even tho' contrary to what you, *ex post facto*, declared to be yours.

From hence, Sir, you may see, what a Multitude of Law-suits may be occasioned, and what a monstrous Expence may be brought upon the Subject by your delaying to explain and remove the Doubt that hath arisen, but for one Year longer. Surely it is our Duty to prevent Law-suits, and to do so as soon as we can. The Trade of a Lawyer, no wise Nation will ever encourage; and the Trade too, of Inn-keeping, Alehouse-keeping, or retailing of Spiritous Liquors, does not, I think, deserve all that Regard which seems to be shewn to it in this Debate. But should we suppose, that they will always be at a great Loss by furnishing the Soldiers quartered upon them with Diet and Small-Beer, at the Rate of 4d. a Day, the Loss will not fall upon them: For by the Prices they charge they will oblige their other Customers to make it good; and therefore, if this Loss were to be looked on as a Tax, it could not be considered as a partial, or unequal Tax, but a Tax laid upon the whole People; and it must either be no Tax at all, or a Tax as necessary as any one that was ever imposed.

Gentlemen may cry, how! how! and seem surprized at what I have said; but if they will have a little Patience, I shall make it good. I repeat it again, Sir, that the obliging of Inn-keepers, and such like, to furnish Diet and Small-Beer to the Soldiers quartered upon them, must either be no Loss to, or Tax upon them, or upon any one else, or otherwise it must be as necessary a Tax as ever was imposed in this Kingdom; and my Reason for saying so is this: If Provisions are so cheap, as they generally are, that an Inn-keeper may furnish Diet and Small-Beer to the Soldiers quartered upon him, for 4d. a Day, and have a reasonable Profit to himself, then the obliging him to do so, can be no Tax upon him or any Man else: On the other hand, if Provisions should happen at any particular Time, or in any particular Place,

Anno 14, Geo  
II. 1740.

Place, to be so dear, that the Inn-keeper cannot furnish Diet and Small-Beer for the Soldiers quartered upon him, at the Rate of 4d. a Day, I am very sure, the Soldier will not be able to furnish Diet and Small-Beer for himself at near that Rate; because an Inn-keeper who brews his own Small-Beer, and buys great Quantities of Meat at a time, will always be able to sell it at a much cheaper Rate than the Soldier can purchase it in the small Quantities he has occasion for, or can afford to buy at a time. But the Soldier has no more than 4d. a Day to bestow upon himself for Diet and Small-Beer, what then can he do? He must either starve or steal. The former we cannot suppose he will do; and if a great-Part of the Army should be brought under the Necessity of living by Theft or Plundering, not only our Constitution, but the Property of every Man in the Kingdom would then be in the utmost Danger.

It has been said in this Debate, that if our Soldiers cannot live upon 4d. a Day, we must augment their Pay; but let us consider, Sir, that in most Parts of the Kingdom, and at most Times, a Soldier can live upon 4d. a Day; and if it should be proposed to proportion their Pay, according to the Times, and according to the Places in which they may be quartered, this cannot be done by Parliament: It must be left to Ministers, and this, in my Opinion, would be a more extensive and a more dangerous Power, than any now lodged in the Crown. There is, therefore, no other way of subsisting your Army, in Time of Scarcity, which is seldom general, and never lasts long, than by obliging the Owners of Public-houses to furnish them with Diet and Small-Beer, at such a Rate as their Pay will admit of. This I shall allow is, in Times of Scarcity, a sort of Tax upon the Owners of such Houses, or rather, as I have said, upon their Customers; but as there is no other way of subsisting your Army, at such Times, it is absolutely necessary, and will therefore, I hope, be always patiently submitted to.

As for the Expedient found out in the Year of 1696 7, it was then made use of, because our Troops kept at home neither were, nor could be regularly paid; for surely, Sir, it will not be thought, that the Soldier was to have 4d. a Day from the Inn-keeper, besides his Pay from the Government; but as the Army is now regularly paid, both their Subsistence Money and Arrears, we have no Occasion for such an Expedient; will be far from removing the Difficulty now under Consideration; for it will signify nothing to provide Fire and Utensils for a Soldier to dress his Meat with, when he can get no Meat to dress, or none at the Price he is able to pay for it, which will often be the Case upon a March, and therefore,

therefore, in the Year of 1696-7, the Provision in Favour of Anno 14, Geo. II. 1740.  
 Inn-holders was not extended to Soldiers upon a March; nor ought it, I think, now to be extended to Soldiers, even in the Places where they are appointed to reside; because an Inn-holder, Alehouse-keeper, or Victualler, can always furnish a Soldier with Diet and Small Beer at a cheaper Rate than he can furnish himself, If he refuses to do so, it must proceed from mere Obstinacy, or from an uncommon Dearth of Provisions: In the former Case, he ought to be compelled; and in the latter, he must be compelled, because there is no other Way of providing for the Soldier's Subsistence, and every Gentleman will admit, that while we have Soldiers, we must provide for their Subsistence, in Time of Scarcity as well as in Time of Plenty. In Times of Scarcity it may be a Loss to the Inn-keeper, but, like many others, it is a Loss which, for the sake of the Public, must necessarily attend the Business he follows, and at no Time it can be a Hardship, because, as the Soldier is subject to Martial Law, that Law will always make him not only reasonable, but civil in his Quarters.

B.

SIR,

' I am surprized to hear Gentlemen so much as suppose, that any Multitude of Law-suits can ensue from leaving this Act in the very Words it stands at present, and has stood for some Years. For my own Part, I do not pretend to any deep Learning in the Law, especially in the Practical Part of it; and therefore I should be glad to know, from some of those Gentlemen who make that Study their Profession, how any more than one Law-suit could be the Consequence of our not explaining that Part of this Law, which is now said to be doubtful. If any Suit be commenced for having this Question determined, it must be brought, either by the Government, by way of Information, or by a Soldier, by way of Action of the Case upon the Statute, against an Inn-keeper who had refused to furnish him with Diet and Small-Beer, at the Rate of 4d. a Day; and can we suppose, that our Government, or rather our most excellent Ministers, would be so vexatious, as to bring several Informations, or to allow the Soldiers to bring several Actions, when one would be as sufficient as five hundred, for deciding the Question in Dispute, and for preventing all farther Doubt. Whatever Opinion the Honourable Gentleman who spoke last may have of our Ministers, I am far from having so bad an Opinion of them; and therefore, if we should leave this Question undecided, and the Army should insist upon its being decided by a Suit at Law, I am convinced, no more than one Law-suit could

B.

Anno 14, Geo.  
II. 1740.

from thence ensue; and the Event of that Suit, I believe, our Inn-keepers have no Reason to be afraid of, because I cannot think, that a Law, which simply obliges me to receive a Man into my House, can be supposed by any impartial Man in the Kingdom to mean, that I should be obliged likewise to maintain him.

‘ But, Sir, if it should be determined otherwise; if our Judges should be of Opinion, that the Law, as it now stands, obliges Inn-keepers and others to furnish the Soldiers quartered upon them, with Diet and Small-Beer, at the Rate of 4d. a Day, I should then be for altering the Law as soon as possible; because, I think, it would lay a most grievous Tax upon the Owners of all our Public-houses, a Tax which they could not recover from their Customers, and a Tax which I think absolutely unnecessary. The furnishing of Soldiers with Lodging and House-room is of itself so troublesome to Inn-keepers, that many of them give the Soldiers a Shilling or Eighteen-pence a Week, to be entirely rid of their Company; and if you should further oblige Inn-keepers to furnish the Soldiers with Diet and Small-Beer, I am persuaded, most of our Inns would be glad to give the Soldiers Half a Crown or Three Shillings a Week, to provide themselves somewhere else, rather than have Customers and Travellers banished away from their House, by seeing it always full of Soldiers.

‘ This, Sir, will be a most insufferable Burden upon all Public-houses; and to suppose, that this Loss would be made good by their raising their Prices to their Customers, is supposing against Reason and Experience: They cannot raise the Price of any Liquors they sell, which is the principal Part of their Profits; and if they should make them worse, no Man would come to purchase or drink them. Even as to Eatables, the Market-Price is so well known, that they would be look’d upon as Extortioners, if they demanded a greater Profit than usual, which would of course make all their Customers forsake the House; and I believe it will not be said, that, even in the Times of the greatest Plenty, a Public-house could support itself upon the Profits made by the Soldiers quartered upon it.

‘ Now, Sir, with regard to the Necessity of imposing this Burden or Tax upon the Owners of those Houses, where Soldiers are by Law allowed to be quartered, the Honourable Gentleman has, I think, given us but two Reasons for it, and both of them I take to be without Foundation. He says, That the Owners of such Houses may buy cheaper than Soldiers can: Is there any Foundation for saying so? May not a Soldier buy as cheap at Market as his Landlord can? And

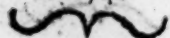
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when five or six of them join together, as they usually do, Anno 14, Geo  
 may not they buy as large a Joint of Meat, or as great a  
 Quantity of Provisions, as a common House-keeper does for  
 his Family? Sir, they will buy cheaper for themselves, than  
 their Landlord can for them: We know what a Difference  
 there is between the Prices of different Joints of the same  
 sort of Meat, or between the several Species of the same  
 kind of Provisions. When Soldiers buy for themselves,  
 they will be contented with the coarsest and cheapest sort;  
 when their Landlord buys for them, they will insist upon  
 having the finest and dearest.

‘ The other Reason assigned by the Honourable Gentle-  
 man for the Necessity he pleads for, is, that in Times of  
 Scarcity, a Soldier cannot subsist upon 4d. a Day, and must  
 therefore be subsisted by his Landlord at that Price, because  
 he can afford no more. Both these Facts, Sir, I deny. There  
 has never been, that I know of, such a Scarcity in England,  
 as to make it impossible for a Man to subsist upon 4d. a  
 Day, if he contented himself with the coarsest sort of Pro-  
 visions; but the Truth of the Matter, I believe, is, the  
 Honourable Gentleman and his Friends have a Mind, that  
 in Times of Scarcity Soldiers should feed as delicately, and  
 fare as well, as they can do in Times of the greatest Plenty;  
 whereas I am for their being made sensible of the Distresses  
 of their Country. I likewise deny, Sir, that a Soldier can  
 afford no more than 4d. a Day for Diet and Small-Beer. It  
 is very well known, that the Soldiers in our Marching Regi-  
 ments are paid 6l. a Day by the Government; and why  
 2d. a Day should be withheld from a poor Soldier's Pay, I  
 can find no Reason, unless it be, that the Colonel should  
 make such a profitable Contract, as to get 1000 or 1500l.  
 by cloathing his Regiment, and that all the poor Fellows  
 should appear clean shaved, and well powdered at a Re-  
 view. For my Part, I think a Man without any Powder in  
 his Hair, and even with a long Beard, may look as like a  
 Soldier, and do his Business as well, as a Man with a Smock  
 Face, and powdered Locks; and therefore I must think,  
 that, of late Years, our Army has been designed rather to  
 kill the Ladies, than to kill the Enemies of their Country:  
 For this Reason, I am of Opinion, that if our Soldiers  
 were put to no greater Expence than is absolutely necessary  
 for their appearing like Soldiers, and not like Beaus, a Sol-  
 dier even of a Marching Regiment might spare 5d. a Day  
 for Diet and Small-Beer; and with respect to the Soldiers of  
 the Foot-Guards, as they are paid 8d. a Day by the Go-  
 vernment, I am surprized to hear it so much as insinuated,  
 that they cannot spare above 4d. a Day for Diet and Small-

Anno 14, Geo  
II. 1740



Beer; yet no Difference is, I find, to be made between the Soldiers of Marching-Regiments, and those of the Foot-Guards, tho' the latter can certainly afford to pay more for Diet and Small Beer than the former; and tho' the latter are generally quartered in Westminster, and about London, where House-rent and Provisions are always dearer than in Country Places, or Cities remote from London.

' Thus, Sir, I hope I have shewn, that, by the Clause now offered, a most heavy additional Tax would be laid upon the Owners of our Public-houses; that it is a Tax which they could not oblige their Customers to bear any Part of; and that it is a most unnecessary Tax, because Soldiers may provide for themselves not only in Times of Plenty, but even in Times of Scarcity, unless that Scarcity should be so very extraordinary, as has seldom or never happened, and ought not therefore to be made a Foundation for a general and standing Regulation, which will at all Times be a Grievance upon a great Part of the People, and which may probably diminish the Number of our Public-houses, so as to make the Building of Barracks, or the Quartering of Soldiers upon private Houses, absolutely necessary.'

C.

SIR,

' As most of the Arguments made Use of against the Clause, now offered to you, have been founded upon a Supposition, that the Law, as it stands at present, does not oblige Inn-keepers and others, upon whom Soldiers may be lawfully quartered, to furnish them with Diet and Small-Beer, I shall beg leave to shew you, that the Law is otherwise, and that what is now offered, is nothing but an Explanation, and Enforcement of what has been Law ever since we had such an Act as a Mutiny-Act in this Kingdom.

' Sir, in order to find out the Meaning of the Law as it now stands, we must not look to the Clause for obliging the Owners of Public-houses to receive the Soldiers lawfully quartered upon them, because that Clause was but lately introduced, and must be explained by the other Clauses in the Bill; but we must consider what was antiently meant by the Term Quartering; and if we consider what was antiently meant by Quartering, we must conclude, that the Owners of private Houses, as well as public, were obliged to furnish the Soldiers quartered upon them with every thing necessary, according to those Rules which were prescribed by the Commanders of the Troops so quartered. Before the Restoration, we had no such Thing as an Army, or any regular Troops, but in Time of War; and then, I believe, it will be

be allowed, that the Commanders were the only Judges, Anno 14, Geor.  
 how their Soldiers were to be treated by those upon whom II. 1740.  
 they were quartered. If they had ready Money where-  
 withal to pay their Soldiers, they generally ordered them to  
 pay ready Money for what they had; but if they could not  
 pay their Soldiers, the Persons upon whom they were quar-  
 tered were then obliged to furnish them, not only with Lodg-  
 ing, but also with Diet and Small-Beer, and to bring their  
 Accounts in to the Public, in order to receive Satisfaction.  
 This was the Practice in Time of War, before the Restora-  
 tion; but as we began soon after that Period to keep regular  
 Troops in continual Pay, and as the Officers of these Troops  
 began to practise in Time of Peace, what had been formerly  
 practised in Time of War, therefore, towards the latter End  
 of King Charles II's Reign, that Law which has been men-  
 tioned was made, by which it was enacted, " That Soldiers  
 should not be quartered upon any House whatsoever, without  
 the Consent of the Owner." From the Revolution to the  
 Year 1692, the Nation was in a State of War, and probably  
 this Law was not observed; but the Tranquillity of the Na-  
 tion being entirely restored, a new Law was made for regu-  
 lating the Quartering of Soldiers, and for confining it with-  
 in certain legal Bounds, without leaving it to the Discretion  
 of any military Officer whatsoever.

' By that Law, Sir, the Constable and other Civil Offi-  
 cers were empowered to quarter or billet Soldiers upon Pub-  
 lic-houses, and upon them only, and therefore had the same  
 Power granted them by Law, which the commanding Officers  
 of the Troops had formerly assumed against Law; that is to  
 say, by their billeting of Soldiers upon Public-houses, they  
 gave them a Right to insist not only upon Lodging, but upon  
 Diet and Small-Beer, for what they could afford for it out of  
 their Pay; and if they received no Pay, then the Houses  
 upon which they were quartered were to keep an Account,  
 and to bring their Accounts in to the Public, in order to re-  
 ceive Satisfaction; and to prevent all Disputes between the  
 Soldiers and their Landlords, the Justices of the Peace were  
 ordered and empowered to settle the Rates of all such Provi-  
 sions, as were furnished by the Landlords. That this was the  
 Meaning of those, who first gave the Constables a legal  
 Power to quarter Soldiers: That by Quartering they intend-  
 ed, that Soldiers should have Entertainment, as well as Lodg-  
 ing, at the Houses where they were so quartered, is, I think,  
 plain, from their limiting that Power to Public-houses only;  
 for if they had intended, that Soldiers should have nothing  
 but Lodging, at the House where they were quartered, they  
 would certainly have given the Constable Power to quarter  
 Soldiers

Anno 14, Geo.  
II. 1740.

Soldiers upon all Houses that lett Lodgings, as well as upon Inn-keepers, Victuallers, and other such Houses. And the Clause inserted in the Mutiny Act, passed in the Year 1696, makes it evident, that it was then supposed, that the Owners of Public-houses were by the Law, as it stood before, obliged to furnish the Soldiers with Diet and Small-Beer; for if this had not been supposed, there would have been no Occasion for inserting a Clause, " That Inn keepers should not be obliged to provide Meat, or any other Victuals, for any Soldier legally quartered upon them, if they should give or tender to such Soldiers 4d. a Day for their Subsistence in Meat only, besides Candle, and the Use of their Fire for dressing Meat."

' How that 4d. a Day was to be repaid to the Inn-keepers, who did advance it to the Soldiers, I do not know; for there is no Clause in the Act for ordering or regulating the Repayment of it; but even suppose it was duly and regularly repaid, it was harder upon the Inn-keepers, than what is now proposed; and yet I never heard, that it diminished the Number of our Public-houses, or that any Inn-keeper or Victualler gave up his Business upon that Account; and therefore, if the same Clause were to be revived, we should have no Reason to apprehend any such Consequence from it. But, as our Army is now regularly paid, we have no Occasion to oblige the Owners of Public-houses to advance any Money to the Soldiers quartered upon them, or to give any long Credit to such Soldiers. They are now, they have for several Years been, obliged to receive the Soldiers lawfully quartered upon them. In this Clause, the Word receive must certainly relate to, and be explained by the Word quartered; and if by quartering be meant the furnishing of a Soldier with Diet and Small-Beer, as well as Lodging, the Owners of the Houses where Soldiers are lawfully quartered, are already by Law obliged to do so. In this Sense the Law has been always, till very lately, interpreted; it has for many Years been the Custom to furnish the Soldiers with Diet and Small-Beer, as well as Lodging, at the Houses where they are quartered, and at such Rates as they were able to pay. This, I say, has for many Years been a continued Custom; and a Custom founded on Law makes Law: At least, Custom is the best Interpreter of Law, and sometimes puts a Meaning upon the Words of a Law different from what at first View they seem to bear.

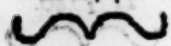
' This being the Case, Sir, what are we now to do? We are not to alter the Law, or to establish any new Regulation; we are only to explain and enforce what has been Law for almost these forty Years; and this we are obliged to do, by a  
Doubt

Doubt which some People have been lately pleased to raise, Anno 14, Geo. II. 1740. I think, without any Foundation, in order to prevent People's exposing themselves to Law-suits and Penalties; for by the Law, as it stands now, the Owner of a Public-house that refuses to receive any Soldier lawfully quartered upon him, is to be fined by the Justices, in a Sum not exceeding 5l. nor under 40s. and consequently, if by receiving be meant the furnishing of such Soldier with Lodging, Diet and Small-Beer, at 4d a Day, every Innkeeper that shall refuse to do so, subjects himself to that Penalty, and the Justices must fine him, if the Soldier or any other Person comes to make the Complaint.

I shall grant, Sir, that this Doubt, which has been so groundlessly raised, might be determined by one single Law-suit; but, in the mean Time, a great Number of People would subject themselves to the Penalties of the Law, and the Determination of the Question in Dispute would not free them from those Penalties, but on the contrary would encourage People to prosecute. Suppose a Law-suit were commenced against some Inn-keeper that had refused to furnish the Soldiers, lawfully quartered upon him, with Diet and Small-Beer at a Groat a Day; that Law-suit could not in several Months be brought to a Conclusion; in the mean Time many other Inn-keepers would refuse in the same Manner; for most Men are apt to think themselves in the right, and to hope that the Question in Dispute will be determined in their Favour. Then suppose that, upon the Event of this Law-suit, it should be determined, that Inn-keepers and others are by the Law, as it stands at present, obliged to furnish the Soldiers, lawfully quartered upon them, with Diet and Small-Beer at 4d. a Day, and that every Man who refuses, subjects himself to the Penalty of the Law, which, as I have said, is a Fine to be imposed by any one Justice of the Peace, before whom the Complaint is made, of 40s. or some greater Sum not exceeding 5l. In this Case, every Inn-keeper who, during the Controversy, had refused to furnish the Soldiers lawfully quartered upon him, with Diet and Small-Beer, would be liable to the Penalty, and to be prosecuted for it before the next Justice of Peace.

We may from hence see, Sir, what a Number of Prosecutions this would occasion; for, as this Complaint might be made either by the Soldier, or by any other Person whatsoever; and as the Justice of Peace, upon a full Proof, must fine in at least 40s. a Prosecution would certainly be brought against every Man that had incurred the Penalty, either by the Soldier that had been refused what he had by Law a Right to demand, or by some envious Neighbour, or Rival Tradesman,

Anno 14, Geo  
II 1740.



Tradesman. I therefore think, that what is now offered cannot in Charity be refused, in order to prevent People's exposing themselves to Penalties, which, in my Opinion, would certainly be recovered against them.'

Sir John Barnard.

SIR,

Sir John  
Barnard.

'The Honourable Gentlemen who have appeared as Advocates for this Clause, seem to shew a great Concern for preventing the People's involving themselves in Law-suits; and I must say, they are taking a very effectual Method for doing it; for if what they propose should pass into a Law, the People that are to be affected by it will soon have nothing to contend for, which, I shall grant, is a most effectual Method for preventing their being involved in any Law-suit whatever. When the People are utterly undone, I shall admit, that this Clause will have the Effect of preventing their being afterwards involved in any Law-suit; but till then, it will have a quite contrary Effect; but if you oblige the Owners of Public-houses to furnish the Soldiers quartered upon them with reasonable Provisions, or with Diet and Small-Beer, under any Penalty to be recovered before one or more Justices of the Peace, there will be perpetual Disputes between them about what is called reasonable Provisions, or reasonable Diet and Small-Beer. The Soldier will carry his Complaint before some Justice whom he knows to be in his Interest: The Justice will probably fine the Landlord; and the latter will certainly seek Relief against what he thinks an unjust Sentence, either by Appeal to the Quarter Sessions, or some more expensive Method. Thus, Sir, the Owners of our Public-houses will at last be eat up, either by the Soldiers or the Lawyers; and till then, the Clause now proposed will create, instead of preventing Law Suits.

'This, Sir, will certainly be the Consequence, if you lay Inn-keepers and others under an express Obligation to furnish the Soldiers quartered upon them with Diet and Small-Beer at 4d. a Day. Without any such Obligation they will always do so, when the Soldiers are contented with what can be furnished at that Price; they will even furnish a little more, or better than what can be afforded at that Price, in order to make the Soldiers easy in their Quarters; and the Soldier will be satisfied with what his Landlord provides for him, because he knows, his Landlord lies under no Obligation to provide for him, and that he cannot provide for himself so well; but if you lay the Landlord under an express Obligation, he will never be able to satisfy the Soldiers quartered upon him, unless he ruins himself by providing for them

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them a great deal better than can be afforded for the Price they are able to pay. If he does not, there will be continual Complaints against him, and thus he must be ruined either by giving the Soldiers much more than he can afford, in order to prevent their Complaints, or by giving his Money to Lawyers for defending him against these Complaints. It cannot therefore be said, that this Clause is calculated for preventing Law-suits, and it is something very strange to say, that what is now proposed is not so great a Hardship as the Clause enacted in the Year 1696-7. I hope the learned Gentleman does not think, that the Money then advanced by Inn-keepers was never repaid: If this be insisted on, the whole Act must be read, in order to see whether there was any, and what Provision for the Repayment of that Money; but it will not, I believe, be insisted on: The whole was certainly repaid by the Government as soon as possible, and deducted out of the Pay due to the respective Regiments. By that Law, therefore, the Landlord only lay out of his Money for a short while, but lost no Part of the Principal: By what is now proposed, he is to be obliged to furnish Provisions to the Soldiers for 4d. a Day, which cost him perhaps 6d. or 8d. so that he will certainly lose 50 or 100 *per Cent.* of his principal Money; and that without so much as a Hope of reaping the least Advantage. Can this, Sir, be said to be the least Hardship? Is it possible for any Man to think so?

I shall grant, Sir, that Inn-keepers have generally provided for the Soldiers quartered upon them, at such Prices as they were able to pay; but I was surprized to hear the learned Gentleman say, that this Practice made Law. The Practice in Courts of Record may sometimes make Law: I know it is generally look'd upon as such when it has continued the same for a very long Time; but will it be said, that the Practice between a Landlord and his Soldier can ever make Law? It is at present a Practice, and it has long been a Custom in Southwark, among those who keep Livery Stables, to give the Dragoons quartered upon them so much a Week to provide Stabling for their Horses somewhere else. Will any one say, that this Practice has made Law, or that the Owners of these Stables are now obliged to do so? The furnishing of Soldiers with Diet and Small-Beer has been practised by the Inn-keepers, because they were able to do so; but by this Clause you will put an End to the Practice, because you will render it impossible for them to do so without ruining themselves.

I do not pretend, Sir, to be a Lawyer, but I have conversed with some that are, and from them I have often heard, that penal Statutes are to be strictly interpreted: If so,

Anno 14, Geo  
II. 1740.

I am sure no Court in the Kingdom would think itself empowered to fine an Inn-keeper, for not furnishing Diet and Small-Beer to the Soldiers quartered in his House, by Virtue of that Clause which inflicts a Penalty upon those that shall refuse to receive a Soldier lawfully quartered or billeted upon him. Even suppose it should be hereafter determined, upon the Event of a Law-suit, that receiving, means, furnishing with Diet and Small-Beer, which I am persuaded it never will, yet no Judge, I believe, would venture to fine a Man upon such a forced and far-fetched Construction, especially if the Refusal had preceded that Construction's being put upon the Word by any proper Authority. We have therefore no Cause to fear, that a Multiplicity of Law-suits or Prosecutions will be the Consequence of our refusing the Clause now offered; and if the Law should be left standing as it is at present, I believe, the Inn-keepers have as little Reason to fear, that, upon the Event of a Law-suit, the Question will be determined against them. But if it should, it would then be high Time to alter the Law; for it would certainly be very hard to give the Soldier a Power of obliging his Landlord to furnish him at 4d. a Day when Provisions happen to be dear, and a Liberty to furnish himself when Provisions happen to be cheap.

I shall admit, Sir, that it may sometimes be very hard for Soldiers to live upon 4d. a Day, and, as Things are managed, I believe, they have very little more to spend. At such Times they must content themselves with coarse Fare. But at all Times they may subsist upon 4d. a Day. They generally do at a much cheaper Rate, because half a Dozen or a Dozen of them usually mess together, and buy large Quantities of Provisions at a Time. The Marines did so at Southampton; and there, I know, they subsisted themselves plentifully for less than 4d. a Day, tho' that Country is far from being the cheapest in this Kingdom, nor was that a Time of any extraordinary Plenty. I can therefore see no Necessity for the Clause proposed, which I take to be a new and a very extraordinary Regulation; and as I think it should subject the Public-houses in the Kingdom to great Hardships, and might be made a Handle for destroying the Liberties of the People, I must give my Negative to its being made a Part of this Bill.

D.

SIR,

As I was in the Service in King William's Reign, and very well remember the Circumstances the Army was in when the Mutiny-Act, which has been so often mentioned in

in this Debate, was passed, I think it incumbent upon me to give you the Reason for inserting that Clause, which gave an Option to Inn-keepers to furnish the Soldiers quartered upon them, with Diet and Small-Beer, or to pay them 4d. a Day. In that Reign, Sir, the Government was far from being so flush of Money as it has been since. The Revolution being in its Infancy, there was but very little public Credit; for People had not forgot the shutting up of the Exchequer in King Charles's Reign; and therefore, even after the Parliament had granted a Fund, it was very difficult to borrow Money upon it, so that the Government was very often without Money, and our Troops here at Home were sometimes for several Months without Pay. I remember the Regiment I was in was called up to London upon the Assassination Plot in the Year 1696, when we had been for eight Months without any Pay, and at last we were paid in Exchequer-Bills, which it was very difficult to get changed into Money, in order to divide it among the Soldiers.

I do not know, Sir, what the Meaning of the Law was at that Time, or what it is now, for the Clauses relating to the Quartering of Soldiers are now pretty much the same they were then; but I very well remember, that the Houses upon which we were quartered, never refused to furnish the Soldiers with Diet and Small-Beer, and it was then absolutely necessary they should do so, because the Soldiers, and even many of the Officers, had no Money to go to Market with, and could not therefore provide for themselves. But as many of the Inn-holders found great Inconveniencies in furnishing and dressing Victuals for the Soldiers, especially when they had their Houses crowded with other Company, and as this occasioned some Murmuring, the Parliament resolved to give them all possible Relief, and for this Purpose that Clause was inserted, which gave an Option to the Inn-holder, either to provide Victuals for the Soldiers, or to give them 4d. a Day to provide for themselves. If they furnished Victuals they brought in each respective Man's Account? if they gave Money, they brought in an Account of what they had advanced, and to whom; all which Accounts were settled by the Commanding Officer, before the Regiment, Troop, or Company left the Place where they quartered, and these Accounts became a Debt upon the Government, and were reckoned as Part of the Regiment's Pay. But it cannot be said that the Inn-holders lost nothing by this Method; for the Money they advanced was sometimes a long while before it was repaid; and as the poor Inn-holders could not always wait so long for their Payment, they were often obliged to sell their Demands upon the Government at a

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Anno 14, Geo. very great Discount, which is far from being the Case at present.  
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Having thus, Sir, given you an Account of the Circumstances of the Army, and of the Practice in King William's Time, I must desire, that Gentlemen would consider what an Inconvenience would ensue, if it should be supposed, that no Inn-keeper is obliged to furnish Diet and Small-Beer to the Soldiers quartered upon him, and if, at the same Time, we should, by any Misfortune or Accident, be reduced to the Circumstances we were in during King William's Reign: In that Reign if Inn-keepers had supposed they were not obliged to furnish the Soldiers with any Thing but House-room and a Bed, I am sure, the Troops, kept here at home, must either have starved, or lived by Plunder; and as public Credit is of a very precarious Nature, we should be extremely cautious of establishing or propagating any Maxim that would be attended with great Inconveniences, and even Danger, in case our public Credit should fail so, as to make it impossible for our Government to pay the Troops kept at home punctually and regularly.

What the Lawyers may mean, Sir, by Quarters, I am no Judge of; but among Soldiers we generally mean by Quarters, the Place where we are to have both Bed and Board for our Money, in case we find it necessary to insist upon having both; and when we are sent to live upon any Country, without being obliged to pay Money for what we have, we call it Free Quarters, which is certainly a very great Oppression, and is seldom practised, but in an Enemy's Country; but I cannot think it any great Oppression to oblige those, who keep Houses of Entertainment, to entertain Soldiers, upon their paying duly for what they have: It is really absolutely necessary upon many Occasions, because Soldiers are often quartered round a Country, so that many of them are far from any Market-Town; and as they must be always at their Quarters, and ready at a Call, it is impossible for them to repair daily to the next Market-Town, to buy Provisions for themselves. Upon a March too, it will often be impossible for the Soldiers to provide for themselves; and therefore, the providing for Soldiers upon a March, was made an Exception to the Option allowed to Inn-keepers by the Law in 1696.

As to the Inconveniencies and Dangers we have been frighten'd with in this Debate, they do not at all affect me, because I take them to be all chimerical. Even Barracks, which are here made such a Bugbear of, are not in the least frightful to me, tho' I have as great a Regard for the Liberties of my Country as any Gentleman in this House. I could never

yet

yet conceive how Barracks can be thought inconsistent with the Liberties of the People; for an Army of true English will never be dangerous to Liberty, whether in Quarters or in Barracks; and an Army of Foreigners would be as dangerous to Liberty in Quarters as they could be in Barracks. The only Difference is, that an Army in Quarters is much more inconvenient and troublesome to the People, and the Soldiers not so easily kept to their Duty, as when they are in Barracks; and therefore, not only as a Friend to Discipline in the Army, but as a Friend to the People, I should chuse to have our Troops always lodged in Barracks, when there is no Occasion for having them in a Camp. But the People of this Kingdom have been taught to associate the Idea of Barracks and Slavery so close together, that, like Darkness and the Devil, tho' there be no Manner of Connexion between them, yet they cannot separate them, nor think of the one without thinking at the same Time of the other. In Ireland it was the same, when Barracks were first erected there: The People considered Barracks as the most hideous Things that could be thought of; they imagined they were all to be downright Slaves as soon as these Barracks were erected; yet now, they are perfectly reconciled to them, because they find they are rather more free than they were before, and the Troops much less troublesome to them. And if Barracks were erected in this Kingdom, I am convinced the Consequence would be the same: The People might be startled a little at first; but they would soon find themselves as free as before, and much less incumbered with Soldiers than they were when the Army was quartered upon them; and they would from thence learn to separate those two Ideas which are now, without any Reason, so closely connected in their Minds.

For this Reason, Sir, if the building of Barracks should be the Effect of what is now proposed, I should think it no bad Effect: I am persuaded the People would find it a very good one. But, till Barracks are built, the Soldiers must be quartered, and as it often happens, and whilst they are in Quarters must often happen, to be impossible for them to provide for themselves, they must be provided for by those upon whom they are quartered, at such Prices as they are able to pay. If they should demand a greater Quantity, or a better sort of Victuals than can be afforded for what they are able to pay, the Landlord is not obliged to comply with their Demands, nor is the Soldier, or his Officer, but the Civil Magistrate, to be the Judge; because, if the Soldier should think himself not sufficiently supplied by his Landlord, he has no Redress but by a Complaint to the neighbouring Justices

Anno 14, Geo.  
II. 1740.

Anno 14, Geo Justices of Peace, and they only are to be Judges between  
 II. 1740. him and his Landlord. From hence, I think, it is evident,  
 that this Clause can be attended with no Oppression, Extor-  
 tion, or Exaction; and as it is in many Cases absolutely  
 necessary, I therefore hope it will be agreed to.

Mr. Pulteney.

S I R,

Mr. Pulteney.

' We are obliged to the Honourable Gentleman for explaining to us the Meaning and the Reason of the Clause in King William's Time, whereby Landlords were obliged to furnish the Soldiers with Meat and other Viſuals, or to give them 4d. a Day to furnish themselves. The Necessities of our Government, the Barenness of our Exchequer, the low State of Public Credit, made it absolutely necessary for our Parliament at that Time to agree to such an oppressive Expedient: But that very Expedient shews, that we ought not to agree to what is now proposed; it shews that when Soldiers have ready Money, they may provide for themselves; and therefore, now they have ready Money, we ought not to oblige their Landlords to provide for them. We may, it is true, Sir, be again reduced to the same Necessities we laboured under in King William's Reign: A wasteful Minister, who thinks of nothing but the Period of his own Administration, may sweep the Exchequer clean; and if we take no Care to pay off, in Time of Peace, the Debts we are obliged to contract in Time of War, our public Credit must at last sink as low as ever. If Ministers in Time of Peace convert to the current Service, those Funds that were set apart for paying off our Debts, in order to conceal from the People their Prodigality, or the needless Expences they put the Nation to, People will begin to foresee the Distress we must be drove to, as soon as a heavy War happens; and those that are wise, will begin in Time to draw their Fortunes out of our public Funds. This will diminish by Degrees our public Credit, and at last, when we have the greatest Occasion for it, we shall probably have none left. These fatal Circumstances we should take care to prevent by our good Conduct; but surely, the Danger of our falling into these Circumstances can be no Reason for subjecting any Part of the People to such Hardships, as can be justified by nothing but such Necessities.

' I say, Sir, such Hardships as can be justified by nothing but such Necessities: But in the present Case I must go farther; I must say, that what is now proposed, can be justified by no Necessity. It is a Hardship to oblige a free-born Subject to receive a Lodger into his House, whether he will or no; but it is an insufferable Hardship to oblige him to provide  
 and

and dress Victuals for his Lodger, whether he will or no, and at a Price too, which he does not approve of. This, Sir, is a Hardship, which the Parliament would not, we find, agree to, even in the Year 1696, notwithstanding the Necessities our Government was then under; and the Exception then made, with regard to Soldiers upon a March, was not because the Soldiers could not provide for themselves, if they had been furnished with ready Money, but because they were to breakfast at one Place, dine at another, and sup at a third, and the Proportion to be advanced in ready Money for each Meal, rather than furnish them with it, could not be adjusted by Parliament.

Anno 14, Geo.  
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But this of providing and dressing Victuals for the Soldiers, we are told, cannot be supposed to be a Hardship, because it has been practised, and Inn-keepers have submitted to it for forty Years past. Sir, whilst we had but 10 or 12,000 Men of regular Troops in the Kingdom, most of our Inn-keepers submitted willingly to this Hardship because they were but seldom exposed to it, and when they happened to be so, they could bear the Expence and Trouble, because they had but few Soldiers quartered upon them; but now we have near 40,000 regular Troops within the Kingdom, the Hardship is so frequent and so heavy, that it is impossible for them to bear it. The most proper Method, therefore, for having this Practice continued, is to diminish the Number of your Troops kept at home, and this, I hope, will very soon be done; for if this War continues, I hope a great Part of our Land-Army will be sent out to attack the Enemy; and if the War should be ended by an honourable Treaty, for by no other Sort of Treaty it can be ended, however it may be suspended, I hope his Majesty, out of his paternal Affection to his People, will disband a great Part of his Army, even tho' the Parliament should not desire it; for I little expect, in my Time, to see a Parliament desiring any Thing that may seem to be disagreeable to a Minister.

The Practice in Times past is therefore, Sir, no Proof, that the providing and dressing Victuals for the Soldiers is no Hardship upon those, who submitted to it, whilst it was no heavier than they could bear; and as little is it a Proof, that the Meaning of the Law is such, as a learned Gentleman has been pleased to represent; or that the obliging Inn-keepers by Law to do what they have done without Law, would be attended with no Inconvenience. It is this very Thing, that has made it possible for them to do so. It is their not being obliged to provide Victuals for the Soldiers quartered upon them, that has enabled them to provide; because the Soldiers contented themselves with a little more than

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than they could afford for the Money: If you lay them under a legal Obligation to do so, the Soldiers will not be so easily satisfied. They are not now easily satisfied: I myself saw once in travelling, a very good Dinner dressing at an Inn in the Country, which, I was told, was for five or six Dragoons quartered there; I thought it sufficient for much better Company, and yet the Dragoons, I was told, were not satisfied with it. They do not always complain, when they are not pleased; but they grow mischievous, they cut the Linnen, mangle the Plates and the Dishes, and play many other Tricks by which the Landlord suffers: These Tricks they would practise in a more extravagant Degree, and much oftner, if you should agree to this Clause. They would not go to a Justice to complain for want of Victuals; but by such Methods they would force their Landlord to complain of them, and he could complain to none but their Officers. Whilst they know, that their Landlord is not obliged to furnish them Victuals, they will generally keep within some Bounds; but if you remove this Check, they will exceed all, which will of course raise such Discontents, as may endanger our Government.

‘ As I am a Friend to our present Establishment, I shall be for any Expedient, which I think the Subject can bear: As such, I shall always be for preventing, as much as possible, any Occasion for Mutiny in the Army, or for Discontents among the People; but I shall never be for raising the latter for the sake of preventing the former, because it will endanger our present happy Establishment, or nail down upon us a numerous Standing-Army. Let us consider, Sir, that we are not now upon a Bill for raising Money for the public Service: Against such Bills, I think, you have laid it down as a Rule, that no Petitions are to be received; but I hope you will not say, that no Petitions are to be received against any Clause in this Bill. The Clause now proposed will certainly have Petitions against it from most Parts of the Kingdom: The Petitioners must be heard: By this means, the Bill may be lost, or delayed till after the Mutiny-Act now subsisting be expired. What Confusion would this breed in your Army? The Regiments must all disband; it would be a sort of High Treason to keep them together, or to exercise any martial Law in this Kingdom.

‘ Is this, Sir, a Risk to be run, for the sake of making an Alteration in the Law, which Experience has shewn the Army may subsist well enough without? I say, an Alteration in the Law; for notwithstanding the Meaning put upon the Word Quarters, by the Honourable Gentleman who spoke last, and by the learned Gentleman who spoke some  
time

time before him, I must insist, that in this Country, the Word *Anno 14, Geo. II. 1740:*  
*Quarters* signifies no more than a Lodging: as convenient as the Owner of the House can afford. The Soldiers may, perhaps, think, that it likewise implies all necessary Provisions at such Prices as they can pay for them; but Soldiers often form Notions, and annex Ideas to Words, that are very inconsistent with the Laws of this Country; or with the Constitution of any free Government. In this Country, however, even the Soldiers have not yet formed such a Notion of Quarters: At least here in Westminster, they have not; for they never desire any thing more than a Lodging at the Place where they are quartered; nor has any of our Mutiny-Acts given them Encouragement to expect more, except that in 1696; and as that Law was the Effect of Necessity, it ceased as soon as the Necessity was over. It may, perhaps, be necessary, now you have so great an Army on foot, to oblige Landlords to furnish the Soldiers quartered upon them with the Use of their Fire and Kitchen-Utensils, for dressing and eating the Provisions they purchase for themselves; but even this you ought to take Time to consider of; for an Army is a dangerous Tool to play with: It ought not to be handled rashly by those who have a Regard for the Liberties of their Country.

I shall readily agree, Sir, with the Honourable Gentleman, that an Army of true Englishmen can never be dangerous to Liberty; because they would disband themselves, when they found they should be of no Service to their Country: They would scorn to put their Country to the Expence of maintaining them, when they knew it had no Occasion for their Service. But when had we, when shall we have such an Army? An Army of Englishmen has once already overturned the Liberties of this Country, and would probably have perpetuated the Tyranny they had set up, if their Generals could have agreed among themselves; for it was not the Army, but the Disagreement among Cromwell's Generals, after his Death, that brought about the Restoration of our Government under King Charles II; and in the late King James's Time, it was not so much the Army, as the mad Biggotry of that Prince, that brought about the Revolution; for if the Army had seen, that they were to have been the Ministers of that tyrannical Government he had set up, they would probably have supported him in it; but they saw, that even they themselves were to be the Slaves of his Priests, and therefore many of them joined in divesting him of that arbitrary Power, which the Army in general had assisted and encouraged him to assume.

I shall grant, Sir, we had at that Time the good Luck to  
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have several great and eminent Patriots, who had considerable Interest and Commands in the Army: By their Means a Spirit of Liberty and Patriotism was preserved in the Army; but if it had not been for the open and notorious Bigotry of the Prince, I am afraid, their Endeavours would have proved ineffectual. They would probably themselves have joined the Prince of Orange at his landing; but they must have joined single and alone: and in that Case they might, in all Probability, have fallen Victims to their own Honour and their Love for their Country. I hope, we have still many such Officers in our Army: I hope there is still a Spirit of Liberty among the Soldiers; but whoever considers the insatiable Thirst of most Men after Power, the Effects of Company and Conversation upon a Man's Way of thinking, and the rapid Progress of Martial Law, must conclude, that a numerous standing Army, even of national Troops, whether in Quarters or in Barracks, is absolutely inconsistent with a free Government, especially where the modelling and commanding of that Army depends entirely, as it does in this Kingdom, upon the Will of one single Man.

It must be admitted, Sir, that a standing Army in Quarters will always be more troublesome to the People, than a standing Army in Barracks; but for this very Reason I shall always be for keeping our Army in Quarters, that the People may be sensible of the Fetters, which are preparing for them, before such a Number can be forged, as may be sufficient for shackling them close down to the Ground. The People have still a Power to prevent, or put an End to the keeping up of too numerous an Army; and I hope they will always think of exercising this Power before it be too late: That they may do so, I am for keeping our Army in their View, by having the Soldiers quartered among them. If the Soldiers were all kept in Barracks, the People would be insensible of their Numbers, and might not, perhaps, think of reducing them by Law till the Army grew so numerous, and became so closely united, as to be able to support itself against Law. Therefore, Sir, whatever Friend I may be to Discipline in the Army, which, barring Reviews, we have had no great Occasion for these twenty Years past, whilst I am a Friend to the People, I shall think myself obliged to be against erecting Barracks, and every thing that may in the least contribute towards its being necessary for us to erect any such; and consequently, I must be against the Clause now proposed.

Adjourned the further Consideration till Thursday.

Ordered, That the proper Officers do lay before this House, an Account of what Persons were authorized by her late

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late Majesty Queen Anne, under her Royal Sign Manual, or by the Commissioners of the Admiralty, to receive and conduct such Seamen and Seafaring Men as should be taken up in pursuance of an Act, 4th Queen Anne, for the Encouragement and Increase of Seamen, and for the better and speedier Manning her Majesty's Fleet: And also what Applications were made by such Persons to the Justices of the Peace, and other chief Officers, for causing privy Searches to be made in pursuance of the said Act; and an Account of the Number of Seamen which were returned to the Navy in pursuance of such Applications and privy Searches; and likewise the Charge attending the same.

Anno 14, Geo.  
II. 1740.

The 25th. Agreed to the Report of the Bill to prevent Inconveniencies arising by Delays of Causes after Issue joined, with several Amendments: Ordered it to be engrossed.

Received an Account shewing the Progress of the Colony of Georgia in America from its first Establishment. And also the general Account of the Trustees for establishing the said Colony, of all Monies and Effects received and expended by them from the 9th of June, 1732, (the Date of their Charter) to the 9th of June, 1740, as exhibited pursuant to the Direction of their Charter \*.

The 26th. Received a Petition of the Clothiers of Stroudwater, in Gloucestershire, complaining of several great Abuses of late introduced, and particularly of the Licence taken by many Persons of setting up in the Clothing Trade, without having either served a lawful Apprenticeship to the same, or having proper Skill in the Manufacture; and therefore praying, that Leave may be given to bring in a Bill for the further Regulation of the Clothing Trade; that such further Relief may be given as to the House shall seem meet. Referred to the Committee of the whole House on Wool, &c.

Read a third time, and passed the Bill to prevent Inconveniencies arising from Delays of Causes after Issue joined: Ordered it to the Lords.

Read a second time, Bill to explain an Act 12th Queen Anne, for providing a Reward for the Discovery of the Longitude, &c.

In a grand Committee, went thro' the Bill for punishing Mutiny and Desertion, with several Amendments†..

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\* A Number of Copies are ordered to be printed for the Use of the Members. † A new Clause was added, viz. If any Officers, &c. on whom any Non-Commission Officers or Soldiers shall be quartered, (except on a March) shall desire it, he may furnish

Anno 14, Geo.  
II. 1740.

The 27th. Read a second time, a Bill to explain so much of an Act 6th of King George I. for the better securing certain Powers and Privileges intended to be granted by his Majesty, by two Charters for Assurance of Ships and Merchandizes at Sea, and for lending Money upon Bottomry; and for restraining several extrayagant and unwarrantable Practices therein mentioned, as relate to the extrayagant and unwarrantable Practices therein mentioned, which gave Rise to the following Debate.

Sir John Barnard.

Sir John  
Barnard.

S I R,

‘ There cannot be brought before this House any Questions more difficult in themselves, more entangled with a Multiplicity of Relations, or more perplex’d with an endless Diversity of Circumstances than those which relate to commercial Affairs; Affairs on which the most Experienc’d often disagree, and on which the most Sagacious may deceive themselves with erroneous Conjectures.

‘ There are no Questions, Sir, which require so much personal Knowledge of the Subject to which they relate, nor is there any Subject with which so few Gentlemen in this House have had Opportunities of being acquainted. There are no Questions, Sir, which their Variety of Relations to different Persons exposes to be so easily misrepresented without Detection, nor any in which the Opposition of particular Interests, so much incites a false Representation. In all these Cases, Deceit is easy, and there is a strong Temptation to deceive.

‘ Nor are these Questions, Sir, always perplexed by intentional Fraud, or false Assertions, of which they that utter them are themselves conscious.

‘ Those who deceive us, do not always suppress any Truth of which they are convinced, or set Facts before us in any other Light, than that in which themselves behold them; they for the most Part err with an honest Intention, and propagate no Mistakes but those which they have themselves admitted.

‘ Of this kind, Sir, are doubtless the Measures proposed in the Bill before us, which those by whom they are promoted, may easily think to be of Benefit to the Public, but  
which,

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*furnish them only with Candles, Vinegar and Salt, and Small Beer or Cyder, three Quarts a Day gratis, and to allow them Fire and Uensils for Dressing and Eating their Meat; or else take 4d. per Diem, and find them in every Thing.*

which, I believe, will appear the Result of imperfect Views, Anno 14, Geo. II. 1740.

‘ The great and fundamental Error, Sir, of the Patrons of this Bill, seems to be an Opinion, that the Practice of insuring is not known to other Nations, nor can be carried on in any other Place, and from this Principle they deduce Consequences, which, if they were inevitably certain, might easily influence us to an immediate Approbation of the Bill, as necessary to secure our Commerce, and distress our Enemies.

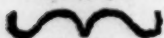
‘ They conclude, Sir, with sufficient Justness, that very few Merchants would hazard their Fortunes in long Voyages or distant Commerce, or expose themselves to the Dangers of War, without Security, which Insurances afford them, and having persuaded themselves that such Security is to be obtained from no other Nation, they imagine that we might, by prohibiting it, confine all the foreign Vessels in their Ports, and destroy by one Resolution the Trade of both our Rivals and our Enemies.

‘ That our East-Indian Company may desire the Ratification of this Bill, I cannot deny, because they might perhaps receive from it some temporary Advantage by the short Inconveniencies which those whom they consider as the Enemies of their Commerce would feel from it. They may desire it, because the Experiment, if it fails, as it must, cannot injure them; and if it succeeds, may produce great Advantages to them; they may wish it, because they will feel the immediate Benefit, and the Detriment will fall upon others.

‘ I shall not enquire whether our Merchants are inclined to look with Malevolence on all those who cultivate the same Branches of Commerce with themselves, tho’ they have neither the Violation of natural Rights, nor the Infringement of National Treaties to complain of. I should be unwilling to suspect a British Merchant, whose Acquaintance with the Constitution of his own Country ought to shew him the Value of Liberty, who ought to be above narrow Schemes, by the Knowledge which his Profession enables him to gain, of a Desire to encroach upon the Rights of others, or to engross the general Benefits of Nature, and shall only observe, that several other Nations can plead a Claim to the East-Indian Trade, a Claim of equal Validity with our own. That the Danes have their Settlements there, and that the Parliament discovered the way to those Regions of Wealth, from which some perhaps are inclined to exclude them.

‘ But nothing is more vain than to attempt to exclude them by refusing to ensure their Ships, because the Opinion  
that

Anno 14, Geo  
II 1740.



that they can be insured by no other Nation is entirely without Foundation. There are, at this Time, Offices of Insurance along the whole Coast of the Midland-Sea, among the Dutch, and even among the French. Nothing can debar any Nation from the Trade of Insurance but the Want of Money, and that Money is not wanted by Foreigners, for this Purpose, appears from the great Sums which they have deposited in our Funds.

‘ That this Trade is now carried on, chiefly by this Nation, tho’ not solely, is incontestible; but what can be inferred from that, but that we ought not to obstruct our own Gain; that we ought not to make a Law to deprive ourselves of that Advantage, of which either favourable Accidents or our own Sagacity have put us in Possession.

‘ For this Reason it appears, that it would not contribute to the Wealth of the Public to debar us from insuring the Ships, even of those with whom we are at War, for it is always to be remembered that they will receive no Detriment from such Prohibitions, nor will feel any other Consequence from them than a Necessity of transferring to some other Nation the Profit which we receive from it.

‘ What the Profit is which arises to the Nation from the Trade of Insurance, it is not possible exactly to determine; but that the Trade is really advantageous may be reasonably conceived, because after many Years Experience it is diligently followed, and a Law was never necessary to prohibit the Pursuit of a Business, by which nothing was to be gained. But could the Gain of the Insurer be a doubtful Point, there is a certain Advantage to the Nation by the Money paid for Commission, Brokerage, Stamps, and the Credit of the Premium deposited here.

‘ I might add, Sir, another considerable Sum yearly arising to the Government from the additional Letters, occasioned by this Trade, which increase the Revenues of the Post-Office, without any Deduction for additional Charge.

‘ That the Loss of this Profit, and the Gain of insuring, will ensue upon the Ratification of this Bill, cannot be denied; nor does it appear, that this Loss will be counterbalanced by any Advantages that will be gained over our Rivals or our Enemies.

‘ Whether this Bill, Sir, would produce to the Merchants of that City by which it is promoted, the Advantages which they expect from it, or remove any of the Grievances of which they complain, I am not able positively to determine; but know, that it is not uncommon for Merchants, as well as other Men, to confound private with public Grievances, and to imagine their own Interest the Interest of the Nation.

With

• With regard, Sir, to the Practice of insuring, Interest Anno 14, Geo. II. 1740.  
 or no Interest, as the Term is, when an imaginary Value is put upon the Ship or Cargo, often much above its real Worth, it cannot be denied, that some Opportunities may be given by it for wicked Practices. But there will always be Circumstances in which there can be no Security against Frauds, but common Faith; nor do I see how we can secure the Insurers against the Possibility of being defrauded.

• I cannot indeed discover, Sir, how this Method of insuring can be prevented; for how can the Value of a Cargo be estimated, which is to be collected in a long Voyage, at different Ports, and where the Success of the Adventures often depends upon lucky Accidents, which are indeed always hoped for, but seldom happen. An imaginary Value must therefore be fixed upon, when the Ship leaves the Port; because the Success of that Voyage cannot be foreknown, and the contracting Parties may be safely trusted to set that Value, without any Law to direct or restrain them.

• If the Merchants are oppressed by any peculiar Inconveniencies, and can find means of redressing them without injuring the public Commerce, any Proposal for that Purpose ought to be favourably received; but as the Bill now before us proposes general Restraints, and proposes to remove Grievances, which are not felt, by Remedies, which those, upon whom they are to operate, do not approve, I think it ought not to be referred to a Committee, but rejected.

Mr. Southwell.

SIR,

• When I first proposed this Bill to the House, I lamented Mr. Southwell the Absence of that Honourable Gentleman, from whose Discussions and Arguments I expected great Information; and for whose Judgment, in all commercial Questions, I have the highest Esteem, as his Penetration not only enables him to discover the Consequences of Methods which have not yet been tried, but as his extensive Acquaintance with many Branches of Trade, cannot but have informed him of the Success of many Expedients tried, as well in other Nations as our own, for the Advancement of it.

• Trade, Sir, is a Subject, of which it has been justly observed, that very few Gentlemen have attained Knowledge sufficient to qualify themselves to judge of the Propriety of any new Regulation; and I cannot but confess, that I have no uncommon Skill in these Questions. What I have to offer on this Occasion, has been suggested to me, not so much by my own Observations, as by the Intelligence which I have very industriously sought, and by which, as I endeavoured

Anno 14, Geo.  
II. 1740.

voured to enquire of those whose Opinion was least likely to be perverted by their Interest, I hope I have not been misled.

‘ The Merchants, Sir, to whom it has been my Fortune to apply, have generally concurr’d in the Opinion that the present Practice of Insuring, is prejudicial to our Commerce, nor have I found any Disagreement between my Constituents, and the Traders of the great Metropolis.

‘ I am unwilling to imagine that there can be any Evil, for which the Wisdom of this Assembly cannot discover a Remedy, and am therefore of Opinion, that if the Grievance is real, some Expedient may be discovered for removing it, and that it is real, I cannot but be convinced by the Declarations of so many Men, who can have no Interest in complaining when they suffer nothing, and whose known Abilities exempt them from the Suspicion of imputing any Part of their Uneasiness to a Cause which cannot-produce it.

‘ The Bill before us, Sir, requires, in my Opinion, some Amendments, and in its present State, might, perhaps, produce more Detriment than Advantage, but since it is necessary, at least, to attempt something for the Relief of Men so useful to this Nation, it appears to me necessary to form a Committee, and to deliberate on this Subject with more Attention.

E.

SIR,

E.

‘ Though I am not of Opinion that the Bill in its present State ought to be passed into a Law, yet I am far from thinking it so imperfect as not easily to be amended, and therefore am desirous that it should be consider’d in a Committee.

‘ I have not, indeed, Sir, often observed, that Bills injudiciously drawn up at first, have received great Improvements from a second Consideration, and have found it more easy to form a new Bill, than to make Alteration in one that is laid before us; for some original Error will commonly remain, and the Sentiments of different Men, pursuing different Views, can seldom be modelled into one consistent Scheme. But I am far from considering this Bill, as one of those that cannot be amended, for I can discover but few Objections to the Regulations proposed in it, and those not relating to any of the essential Parts, but slight and circumstantial, such as will easily be removed, or perhaps answered.

‘ The Grievance, Sir, for which this Bill proposes a Remedy is so generally known, and so universally lamented, that, I believe, there is not any thing more worthy of the Attention of the Legislature than an Enquiry into the Cause of it, and the proper Method of redressing it.

“ In

‘ In our Enquiry into the Causes of this Obstruction of Anno 14, Geo. Trade, I am of Opinion, Sir, that the Practice of Insuring, II. 1740. Interest or no Interest, will appear to be the Foundation of this general Uneasiness, will be found a Practice of so natural a Tendency to Fraud, and so easily susceptible of dishonest Artifices, that I believe, every Member of this House will desire its Suppression.

‘ To confirm my Assertion, Sir, and illustrate the Question before us, I shall mention some particular Instances of Fraud to which this Custom has given Occasion, of Fraud so evident and so detestable that it cannot be related without Indignation.

The Royal George was a large Ship belonging to the South-Sea Company, which having been a Voyage to Vera Cruz, put in at Zamenghol in her Return; and being there refitted to proceed on her Voyage homewards, set sail, and came within a Week’s Sailing of the Port, when, upon a sudden, the Officers entered into a Consultation, and determined to go back a Month’s Voyage to Antigua, for what Reason, Sir, may be easily guessed; when it was told that the Ship was insured upon a supposed Value of 60,000l.

‘ This Resolution, Sir, was no sooner formed, than Orders were given to change the Course and steer to Antigua, in Opposition to all the Remonstrances of the Carpenter, who is the proper Judge of the Condition of a Vessel, and who declared with Honesty and Resolution against their whole Procedure. But they pursued their new Scheme without any regard to his Murmurs or Assertions; and, when they arrived at Antigua, found some Method of influencing the Officers of that Island to declare the Ship unfit for the Prosecution of the Voyage.

‘ Their Design, Sir, was now happily completed. To confirm the Determination which had been pronounced in their favour, they stranded the Ship upon a Bank of Sand, forced out the Iron that grapples the Timber together, and having first taken away the Masts and Rigging, and whatever else could be used or sold, threw the Ballast to each End, and so broke the Vessel in the middle.

‘ By this well-contrived Shipwreck, having as they imagined raised their Fortunes, they came Home triumphantly from their prosperous Voyage, and claimed the Money for which the Ship was insured. The Insurers, startled at such a Demand so unexpected, enquired into the Affair with all the Industry which its Importance might naturally incite, and, after some Consultation, determined to try whether the Ship might not be refitted and brought to England.

‘ In pursuance of this Resolution, they sent Workmen and

Anno 14, Geo Materials, and without much Expence, or any Difficulty,  
 II. 1740. brought it hither.

‘ I believe, Sir, this Relation is sufficient at once, to prove the Practice, and explain the Nature of the Frauds to which this Method of Insurance gives Occasion; but as the frequency of them is such, that many Instances may be produced, I shall offer another short Narrative of the same kind.

‘ A Ship that belonged to the East-India Company, insured after this Method, was run ashore by the Captain, in such a manner that he imagined none but himself able to recover it; and therefore, tho’ it cost 5000l. sold it for 500l. but the Purchaser, no less expert than the Captain, found means very speedily to disengage it, to restore it to a proper Condition with little Expence, and was much enriched by his fortunate Bargain.

‘ I cannot but observe, Sir, that this kind of Fraud is the more formidable, as it may be practised without a Possibility of Detection; had the Captain, instead of stranding, destroyed his Vessel, how could his Wickedness ever have been discovered? Or how could the South-Sea Company’s Ship have been brought Home, had it been sunk in some distant Corner of the World?

‘ This Practice, Sir, and the Frauds which it has occasioned, and the Suspicions which the easy Practice of Frauds always creates, have produced so many Trials, and filled the Courts of Justice with such intricate Contentions, that the Judges, who know perhaps nothing of this Practice but from its Effects, have often declared it to be so pregnant with Contests and Cheats, that it ought not to be suffered, and that a Law for suppressing it, would much contribute to the Establishment of Peace, and the Security of Property.

‘ I am not insensible, Sir, of the Force of the Argument made use of by the Honourable Gentleman who spoke in favour of this Practice, and cannot but allow it that Regard which his Reasonings always deserve; it is the strongest, and perhaps the only Argument, that can be produced. His Assertion of the Impossibility of estimating the real Value of a Ship, or of foreknowing the Success of a Voyage, is incontestible: But perhaps it will follow from thence, not that an imaginary Value ought to be admitted, but that no Insurance ought to be allowed, where there is no rational Method of ascertaining it; or at least, that all such Insurance ought to be rather below the probable Value than above it.

‘ If the Grievance complained of, has been proved not to be imaginary, we ought doubtless to consult how it may be remedied; nor do I believe that our Consultations will be ineffectual,

effectual, if we engage in them, not with an Intention to perplex, but to inform each other. I am of Opinion, Sir, that the Importance of the Question requires a Committee; nor can I discover any essential Defect in the Bill, which should hinder it from passing into a Law.

Anon 14 Geo.  
II. 1740.

Mr. Burrel.

SIR,

• I am convinced by Experience, as well as Reason, that so many Inconveniencies arise from this Method of Insurance, that it affords so many Opportunities of Fraud, and gives such Encouragement to Negligence, that I shall willingly concur in any Measures that may effectually suppress it.

Mr. Burrel.

• It is, Sir, too well known to require Proof, that Interest is the Parent of Diligence, and that Men attend to the Performance of their Duty, in Proportion as they must suffer by the Neglect of it; and therefore, every Practice that deprives Honesty of its Reward is injurious to the Public.

• But that this is the Consequence of estimating Ships at an imaginary Value in the Offices of Insurance, is to the highest Degree evident. When a Ship is estimated above its real Value, how will the Commander suffer by a Wreck, or what shall restrain him from destroying his Vessel, when it may be done with Security to himself, except that Integrity, which indeed ought to be generally diffused, but which is not always to be found, and to which few Men think it safe to trust upon Occasions of far less Importance?

• To shew, Sir, that I do not indulge groundless Suspicions, or magnify the bare Possibility of Fraud into Reality; that I do not blacken human Nature, or propose Laws against Wickedness that have not yet existed, it may be proper to mention some Letters, in which I have been informed by my Correspondent at Leghorn, of the State of the Ships which have arrived there: Ships so weakly manned, and so penuriously, or negligently stored; so much decayed in the Bottoms, and so ill fitted with Rigging, that he declares his Astonishment at their Arrival.

• It may deserve our Consideration, Sir, whether the Success of the Spanish Privateers may not be in great Part attributed to this pernicious Practice; whether Captains, when their Vessels are insured for more than their Value, do not rashly venture into known Danger? Whether they do not wilfully miss the Security of Convoys? Whether they do not direct their Courses where Privateers may most securely cruise? Whether they do not surrender with less Resistance than Interest would excite? And whether they do not raise

Anno 14. Geo. II. 1740: Clamours against the Government for their ill Success, to avoid the Suspicion of Negligence or Fraud.

‘ That other Frauds are committed in the Practice of Insuring, is well known to the Honourable Gentleman who spoke against the Bill : It is a common Practice to take Money upon Bottomree, by way of Pledge for the Captain’s Fidelity, and to destroy this Security by insuring the real Value, so that the Captain may gain by neglecting the Care of his Vessel, or at least secure himself from Loss, and indulge his Ease or his Pleasure, without any Interruption from the Fear of diminishing his Fortune.

‘ The whole Practice of Insurance, Sir, is in its present State, I believe, so perplexed with Frauds, and of such manifest Tendency to the Obstruction of Commerce, that it absolutely requires some legal Regulations.’

Sir John Barnard.

SIR,

Sir John  
Barnard.

‘ Of Frauds in the Practice of Insurance, with regard to which the Honourable Gentleman has appealed to me, I can confidently affirm, that I am totally ignorant : I know not of any fraudulent Practices openly carried on, or established by Custom, which I suppose are meant : For with regard to single Acts of Fraud, committed by particular Men, it is not to be supposed but that they have been detected in this, as in all other Branches of Traffic ; nor can I conceive that any Argument can be drawn from them against the Practice ; for, if every Part of Commerce is to be prohibited, which has furnished Villains with Opportunities of Deceit, we shall contract Trade into a narrow Compass.

‘ With regard, Sir, to the Instance of the Royal George, tho’ the Proceedings of the Officers are not wholly to be vindicated, yet Part of their Conduct is less inexplicable than it has been represented. Their Return to Antigua when they were bound for England, and were within a Week’s sailing of their Port, is easily to be defended, if the Wind was contrary to their intended Course ; for it is not difficult to conceive that they might reach a distant Port with a favourable Wind, much sooner than one much nearer, with the Wind against them.

‘ I have always observed, Sir, that the Gentlemen engaged in the Trade to the East-Indies, assume an Air of Superiority, to which I know not what Claim they can produce, and seem to imagine, that their Charter gives them more extensive Knowledge, and more acute Sagacity, than falls to the Lot of Men not combined in their Association.

‘ But

‘ But however these Gentlemen may disapprove my Arguments, and however they may misrepresent them, I shall be satisfied, that they will have with the Disinterested and Impartial their just Weight, and that this Affair will not be hastily determined upon an imperfect Examination.’

Anno 14, Geo.  
II. 1740.

Sir Robert Walpole.

SIR,

‘ Whether the Merchants are satisfied with the present Sir Robert Methods of Insuring, or what is the Opinion of any separate Walpole. Body of Men, I think it absolutely unnecessary to enquire. We are constituted for the public Advantage, and are engaged by our parliamentary Character to consider, not the private Interest of particular Men, but the general Advantage of our Country.

In our Pursuit, Sir, of national Interest, we should be obliged frequently to oppose the Schemes which private Men, or separate Fraternities have formed for their own Advantage, and which they may be expected to defend with all their Art; both because every Man is unwilling to imagine that the Public Interest and his own are opposite, and because it is to be feared that many may consider the Public only in Subordination to themselves, and be very little solicitous about the general Prosperity of their Country, provided none of the Calamities which afflict it extend their Influence to themselves.

‘ We are, in the Discussion of this Question, Sir, to consider that we are engaged in a War against a Nation from which Insults, Depredations, Oppressions, and Cruelties, have been long complain’d of, and against which we are therefore to act with a Resolution proportioned to the Injuries we have suffered, and to our Desire of Vengeance. We are to practise every Method of distressing them, and to promote the Success of our Arms even at the Expence of present Gain and the Interest of private Men.

‘ It is well known, Sir, to all who have either heard or read of the Spaniards, that they live in Carelessness and Indolence, neglect all the natural Advantages of their own Country, despise the Gain of foreign Commerce, and depend wholly on their American Settlements, for all the Conveniences, and perhaps for most of the Necessaries of Life.

‘ This is the particular Circumstance that makes a War with England so much to be dreaded by them. A Nation superior to them by Sea holds them besieged, like a Garrison surrounded by an Army, precludes them from Supplies, intercepts their Succours, and if it cannot force their Walls by  
Attack,

Anno 14, Geo Attack, can at least by a Blockade starve them to a Capitulation.  
H. 1740. tion.



• Thus, Sir, by a Naval War with an Enemy of superior Strength, they must at length be subdued, and subdued perhaps without a Battle, and without the possibility of Resistance; against such an Enemy, their Courage, or their Discipline is of no Use; they may form Armies indeed, but which can only stand upon the Shore, to defend what their Enemies have no Intention of invading, and see those Ships seized in which their Pay is treasured, or their Provisions are stored.

• Such, Sir, is our natural Superiority over the Spaniards, a Species of Superiority that must inevitably prevail, if it be not defeated by our own Folly; and surely a more effectual Method of defeating it, the Spaniards themselves could not have discovered, than that of insuring their Ships among our Merchants.

• When a Ship thus insured is taken, which, notwithstanding all Precautions must sometimes happen, we examine the Cargo, find it extremely valuable, and triumph in our Success; we not only count the Gain to ourselves, but the Loss to our Enemies, and determine that a small Number of such Captures will reduce them to offer us Peace upon our own Terms.

• Such are the Conclusions which are made, and made with Reason, by Men unacquainted with the secret Practices of our Merchants, and who do not suspect us to be stupid enough to secure our Enemies against ourselves, but it is often found, upon a more close Examination, that our Ships of War have only plundered our Merchants, and that our Privateers may indeed have enriched themselves, but impoverished their Country. It is discovered, that the Loss of the Spaniards is to be repaid, and perhaps sometimes with Interest, by the British Insurers.

• If it be urged, that we ought not to enact any Laws which may obstruct the Gain of our Fellow Subjects, may it not be asked, why all Trade with Spain is prohibited, may not the Trade be equally gainful with the Insurance, and may not the Gain be more generally distributed, and therefore be more properly national?

• But this Trade was prohibited, because it was more necessary to our Enemies, than ourselves; it was prohibited, because the Laws of War require, that a less Evil should be suffered to inflict a greater; it is upon this Principle that every Battle is fought, and that we fire our own Ships to consume the Navies of the Enemy.

• For this Reason, Sir, it appears to me evident, beyond Contradiction, that the Insurance of Spanish Ships ought to be

be prohibited ; we shall indeed lose the Profit of the Insurance, but we shall be re-imburs'd by the Captures, which is an Argument that cannot be produc'd for the Prohibition of Commerce.

Anno 14. Geo.  
II. 1740.

• It is urg'd, Sir, that they may insure their Ships in other Countries, an Assertion of which, whether it be true or not, I am not able to decide ; but it is acknowledg'd, that the Necessity of establishing a new Correspondence will be at least a temporary Obstruction of their Trade, and an Obstruction of even a short Continuance may lay them at our Mercy.

• But let us, Sir, reflect upon the Weakness of this Argument ; they must be allow'd to insure here, because they may insure in other Places ; will it not be equally just to urge, that they must trade with us, because they may trade with other Nations ? And may it not be answer'd, that tho' we cannot wholly suspend their Commerce, it is yet our Business to obstruct it as far as we are able ?

• May it not, Sir, be farther affirm'd, that by insuring in other Nations, they may injure their Allies by falling into our Hands, but do not the less benefit us ? That if they do not grow weaker, we at least are strengthen'd ; but that by insuring among us, whatever Steps are taken, the Equilibrium of the War is preserved always the same.

• It is asserted, and I suppose with Truth, that we insure at a lower Rate than others, and it will therefore follow, that the Spaniards, whenever their Ships should escape us, will suffer more by having insur'd amongst Foreigners, than if they had contracted with our Merchants.

• Thus it appears, Sir, that there are stronger Reasons for prohibiting the Insurance of Spanish Ships, than for putting a Stop to our Commerce with them ; and that whether their Ships are taken by us, or escape us, it is the general Interest ; of the Nation, that they shall be insured by Foreign Merchants.

• With respect, Sir, to the East-India Company, I have no Regard to their Interest, consider'd as distinct from that of the rest of the Nation ; nor have receiv'd any Sollicitations from them to promote this Bill, or to espouse their Interest ; but cannot, without concealing my real Sentiments, deny that, as they have the Grant of an exclusive Trade to the East-Indies, to insure the Ships that are sent thither, without their Permission, is to invade their Rights, and to infringe their Charter ; and that this Practice, if the Validity of their Charter be admitted, is illegal and ought to be discountenanc'd.

• The Practice, Sir, of insuring, Interest or no Interest, or of assigning to Ships an imaginary Value, is nothing more than a particular Game, a more solemn Species of Hazard,  
and

Anno 14 Geo II. 1740. and ought therefore to be prohibited, for every Reason that can be urged against Games of Chance.

‘ With regard to this Bill in general, it is in my Opinion highly necessary, nor can I discover any important Objection that can be made against it. Some Law of this kind, and to this Purpose, I have long intended to offer to the Consideration of this Assembly, and since it is now before us, I think we ought to consider it with the Attention, which may be justly expected from us.’

Lord Baltimore.

S I R,

Lord  
Baltimore.

‘ I know not how properly the Practice of Insuring may be termed a Species of Hazard ; nor do I think any thing more is to be considered, than whether the Game be gainful to the Nation, or not ; for I cannot discover that there is any Absurdity in enriching ourselves at the Expence of other Nations, whether Enemies or Allies. That we ought to prefer the general Good to the Advantage of Individuals, is undoubted ; but I cannot conceive that, in this Case, there can be any Opposition between private and public Interest. If our Insurers gain by securing the Ships of our Enemies, the Nation is benefited, for all national Gain must circulate thro’ the Hands of Individuals.

‘ No Man will assert that we ought to assist our Enemies, nor will any Man imagine that we assist them by impoverishing them ; and if our Insurers gain by their Practice, the Spaniards must undoubtedly be Losers.’

Mr. Willimot.

S I R,

Mr. Willimot.

‘ I have conversed on the Question to which this Bill relates, with Men engaged in various kinds of Traffic, and who have no common Interest but that of their Country. I have dispersed among the Merchants, most eminent for their Acquaintance with the whole Extent of Commerce, and for their Knowledge of the true Interest of the Nation, Copies of this Bill, and cannot find any of them so sensible of the Grievance, of which we have so loud Complaints, as to desire that it should be redressed by the Measures now proposed.

‘ That Frauds are practised on every Side, in this, as well as in other Trades, the general Corruption of our Age gives us sufficient Reason to suspect ; but what is common to every sort of Traffic, cannot be produced as an Argument for the Prohibition of any.

‘ That

• That the Practice of insuring an imaginary Value, may give Opportunity for greater Frauds than can be practised in common Dealings, is likewise evident, but I cannot discover such Frauds as to require the Interposition of the Legislature.

• If they are practised only by those of our own Nation, the Public does not suffer; for Property is only transferred from one Subject to another; the Fraud ought indeed to be severely punished in the Courts of Criminal Justice, but the Custom which gave the Opportunity of practising it, ought not to be restrained, any more than any other Profession not criminal in itself, but liable to accidental Abuses.

• If our Insurers are defrauded by Foreigners, the Nation is then, indeed, more nearly affected; but, even in that Case, it is to be remember'd, that the private Interest of the Insurers, who must be immediately ruined, is a sufficient Security for the Public. For it cannot, Sir, be conceived that any Man will obstinately carry on a Business, by which he becomes every Day poorer; or that, when he desists, he will be succeeded by another, who cannot but know that he engages in that Traffic to his certain Ruin.

• The true State of this Affair is, that Frauds are, indeed, often committed, and are for that Reason always suspected, and that the Insurers, when they insure the Ship and Cargo against Accidents, reckon, among other Chances, the Probability of being cheated, and proportion their Demands, not only to the Length and Danger of the Voyage, but to the Character likewise of the Man with whom they contract.

• This, Sir, is always the Practice of those whom Experience has made acquainted with the Danger of implicit Confidence, and unsuspecting Credulity, nor do any but the Young and Unskilful suffer themselves to be so exposed to Frauds, as that their Fortunes should be injured, or the general Gain of their Business over-balanced, by a few Deceits.

• Thus it appears, that, notwithstanding the Ease and Safety with which the present Methods of Insurance admit Fraud to be practised, the Insurers, by a proportionate Degree of Caution, secure themselves from being injured, and by consequence the Nation.

• The Insurance of foreign Ships is now to be considered, by which great Profit arises to the Nation. We insure, Sir, as it has been observed, at lower Rates than other Nations, because we have more Business of this kind, and the Smallness of our Profit is compensated by the Frequency; the Cheapness of Insurances, and Eagerness of Foreigners to insure here, reciprocally contribute to each other; we are often

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applied to, because we insure at an easy Rate, and we can insure at an easy Rate, because we are often applied to.

• Nor is the Cheapness of British Insurance, the only Motive to the Preference which it preserves among Foreigners, who are induced to apply to this Nation, by the Reputation which our Merchants have deservedly gained, for Probity and Punctuality, superior to that of any other Traders. Our Merchants, Sir, bargain without Artifice, pay without Subterfuges, and are ready on all Occasions to preserve their Character at the Hazard of their Profit.

• From these two Considerations we may draw unanswerable Arguments against any Restraints upon the Practice of Insuring; if Foreigners are once disappointed in their Applications to us, our Business will in a great Part cease; and, as we shall not then be able to insure at lower Rates than other Nations, we shall never recover that Branch of our Trade. And as the Character of the English Merchants exempts them from any Suspicion of Practices pernicious to the Public, why should they be restrained? Why, Sir, should they appear to be suspected by the Legislature of their own Country, whom Foreigners trust without Hesitation?

• It has been objected to them with great Warmth, and urged with much rhetorical Exaggeration, that they assist the Enemies of their Country, that they prolong the War, and defeat those Advantages which our Situation and Commerce have given us. Imputations sufficiently atrocious, if they were founded upon Truth.

• But let us, Sir, examine the Arguments by which this Accusation has been supported, and enquire whether this Triumph of Eloquence has been occasioned by any real Superiority of Evidence or Reason. It is urged, that we have already prohibited Commerce with the Spaniards, and that therefore we ought likewise to prohibit the Insurance of their Ships.

• It will not require, Sir, an Imagination very fertile, or a Knowledge very extensive, to supply Arguments sufficient to refute this supposed Demonstration; in Opposition to which it may be urged, that this kind of Commerce is of a peculiar Nature, that it subsists upon Opinion, and is preserved by the Reputation of our Insurers; a Reputation that the Insurers of other Nations may obtain by the same means, and from whom we shall therefore never recover it.

• It may be observed, Sir, that other Commodities are the peculiar Product of different Countries, and that there is no Danger of losing our other Trade by suspending it, because it depends upon the Excellence of our Manufactures; but that

that Insurance may be the Commodity of any Country where Money and common Honesty are to be found. Anno 14, Geo. III. 1740.

‘ This Argument may perhaps be yet more effectually invalidated, or perhaps entirely subverted by denying the Expedience of that Prohibition which is produced as a President, for another Restraint. Nor indeed does it appear why we should preclude ourselves from a gainful Trade, because the Money is drawn by it out of the Hands of our Enemies; or why the Product of our Lands should lie unconsumed, or our Manufactures stand unemployed, rather than we should sell to our Enemies what they will purchase at another Place, or by the Intervention of a neutral Power.

‘ To sell to an Enemy that which may enable him to injure us, that which he must necessarily obtain, and which he could buy from no other, would indeed be, to the last degree, absurd; but that may surely be sold them without any Breach of Morality or Policy, which they can want with less Inconvenience than we can keep. If we were besieging a Town, I should not advise our Soldiers to sell to the Inhabitants Ammunition or Provisions, but cannot discover the Folly of admitting them to purchase Ornaments for their Houses, or Brocades for their Ladies.

‘ But, without examining with the utmost Accuracy, whether the late Prohibition was rational or not, I have, I hope, suggested Objections sufficient to make the Question doubtful, and to incline us to try the Success of one Experiment before we venture upon another more hazardous.

‘ I am never willing, Sir, to load Trade with Restraints; Trade is in its own Nature so fugitive and variable, that no constant Course can be prescribed to it; and those Regulations which were proper when they were made, may in a few Months become Difficulties and Obstructions. We well know, that many of the Measures which our Ancestors pursued for the Encouragement of Commerce, have been found of pernicious Consequence; and even in this Age, which perhaps Experience more than Wisdom has enlightened, I have known few Attempts of that kind which have not defeated the End for which they were made.

‘ It is more prudent to leave the Merchants at Liberty to pursue those Measures which Experience shall dictate upon every Occasion, and suffer them to snatch the present Opportunity of honest Gain whenever it shall happen; they will never injure their own Interest by the Use of this Liberty, and by preserving themselves they will preserve the Nation from Detriment; nor will they need to be restrained by a Law proposed without their Solicitation, and of Which they cannot discover any beneficial Consequences.’

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Mr. Horatio  
Walpole,

Mr. Horatio Walpole.

SIR,

‘ For the Bill now before us I have no particular Fondness, nor Desire that it should be promoted by any other means than rational Arguments and the Representation of indubitable Facts.

‘ I have no Regard, Sir, in this Enquiry, to any private Interest, or any other Desire than that of securing the Interest of my Country, which, in my Opinion, evidently requires that we should give no Assistance to our Enemies, that our Merchants should co-operate with our Navies, and that we should endeavour to with-hold every thing that may make the War less burdensome to them, and consequently of longer Continuance,

‘ It was observed, Sir, in the Beginning of the Debate, by a Gentleman eminently skilled in mercantile Affairs, that Insurance was practised by many Nations; but he did not inform us of what one of the Clauses makes it proper to enquire, whether they allowed the Method of insuring Interest or no Interest, and rating Ships at an imaginable Value. This is, I know, is prohibited by the Dutch; a Nation whose Authority on commercial Questions will not be disputed; nor do they allow their East-India Ships to be insured at all.

‘ The Difficulty of estimating the Value of any Cargo has been urged in Defence of this Practice, nor is the Defence wholly without Weight, because the Cargo in many Voyages cannot be ascertained. I shall, however, take this Opportunity of observing, tho’ I may somewhat digress from the present Argument, how necessary it is, that some of our exported Cargoes should be exactly specified.

‘ I have been lately informed, Sir, that six Ships laden with British Wool, have entered at one time into a Port of France; nor do I know how this Practice, which is justly complained of as pernicious to our Trade, and threatening the Ruin of our Country, can be prevented but by a constant and regular Particularization of every Cargo carried to France.

‘ I admit, Sir, that some Cargoes which are imported cannot be particularly registered; such is the Gold with which we are daily supplied by our Commerce with the French in Opposition to their Laws, and which our Merchants are therefore under the Necessity of concealing.

‘ It is not indeed easy to foresee all the Inconveniencies that may arise from new Regulations of Commerce; but the Difficulty is not so great as has been represented, nor can I conceive

conceive why all our Consultations on Trade should be without Effect. Gentlemen may obtain some Knowledge of Commerce from their own Observation, which they may enlarge by an unconfined and indifferent Conversation with Traders of various Classes, and by Enquiries into the different Branches of Commerce; Enquiries, Sir, which are generally neglected by those whose Employments confine their Attention to particular Parts of Commerce, or whose Application to Business hinders them from attending to any Opinions but those which their own personal Experience enables them to form.

From these Informations impartially collected, and diligently compared, a Man not engaged in the Profession of a Merchant may form general Principles, and draw Consequences more certain, and more extensive in their Relations, than those which are struck out only from the Observation of one subdivided Species of Commerce.

A Member of this House, Sir, thus enlightened by Enquiry, and whose Judgment is not diverted from its natural Rectitude, by the Impulse of any private Consideration, may judge of any commercial Debate with less Danger of Error or Partiality than the Merchants, of whom nevertheless I have the highest Esteem, and whose Knowledge or Probity I do not intend to depreciate, when I declare my Fears, that they may sometimes confound general Maxims of Trade with the Opinion of particular Branches, and sometimes mistake their own Gain for the Interest of the Public.

The Interest of the Merchants ought indeed always to be considered in this House; but then it ought to be regarded only in Subordination to that of the whole Community, a Subordination which the Gentleman who spoke last seems to have forgotten. He may perhaps not intend long to retain his Senatorial Character, and therefore delivered his Opinion only as a Merchant.

He has distinguished between the Conduct of experienced and unskilful Insurers, with how much Justice I shall not determine. I am afraid that a vigorous Enquiry would discover, that neither Age nor Youth has been able to resist strong Temptations to some Practices, which neither Law nor Justice can support, and that those whose Experience has made them cautious, have not been always equally honest.

But this is a Subject upon which I am not inclined to dwell, and only mention as the Reason which convinces me of the Propriety of the Bill before us.

Sir

Anno 14, Geo.  
II. 1740.

Sir William  
Yonge.

Sir William Yonge.

SIR,

‘ There appears no Probability that the different Opinions which have been formed of this Bill will be reconciled by this Debate; nor indeed is there any Reason for wondering at this Contrariety of Sentiments.

‘ The several Clauses of the Bill have Relations and Consequences so different, that scarce any one Man can approve them all; and in our present Deliberation an Objection to a particular Clause is considered as an Argument against the whole Bill.

‘ It is therefore necessary to prevent an unprofitable Expence of Time, to resolve the House into a Committee, in which the Bill may be considered by single Clauses, and that Part which cannot be defended may be rejected, and that only retained which deserves our Approbation. In the Committee, when we have considered the first Clause, and heard the Objections against it, we may mend it; or, if it cannot be amended, reject or postpone it, and so proceed through the whole Bill with much greater Expedition, and at the same time with a more diligent View of every Clause, than while we are obliged to take the whole at once into our Consideration.

‘ I shall for my Part approve some Clauses, and make Objections to others; but think it proper to reserve my Objections, and the Reasons of my Approbation, for the Committee into which we ought to go on this Occasion.’ \*

The

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\* The Bill itself was as follows:

A BILL to prevent some Inconveniencies arising from Insurances of Ships.

*Whereas it hath been found by Experience, that the making Assurances, Interest or no Interest, hath been productive of many pernicious Practices, whereby great Numbers of Ships, with their Cargoes, have been fraudulently lost and destroyed; and a great Encouragement to the Exportation of Wool, and the carrying on many other prohibited and clandestine Trades, which are thereby secreted, and the Parties concerned secured from Loss, as well to the Diminution of the public Revenue, as to the great Detriment and Loss of the fair Trader; and by introducing an illegal and mischievous kind of Gaming or Wagering, under the Pretence of assuring the Risk on Shipping and fair Trade, the Institution and laudable Design of making Assu-*

*urances*

The Bill was referr'd to a Committee, but not forty Mem-  
bers staying in the House, it was dropt.

Anno 14, Geo.  
II. 1740.

Agreed to the Report of the Mutiny and Desertion-Bill :  
Ordered it to be engrossed.

In a grand Committee, went thro' the Bill for opening a  
Trade thro' Russia to Persia, with several Amendments.

March 2d. Read a third time, and passed the Bill for pu-  
nishing Mutiny and Desertion, and for the better Payment of  
the Army, and their Quarters : Ordered it to the Lords.

Went into a grand Committee on the Bill for the Encou-  
ragement of Seamen, and for the speedier Manning his Ma-  
jestys Fleet, when the first Clause being read, proposing the  
Blanks to be fill'd thus, that every Voluntier Seaman, after  
five Years Service, be entitled to Six Pounds per Year, during  
Life, Sir John Barnard expressed himself as follows :

Proceeding  
on the  
Seamen's Bill

Sir

*rances hath been perverted ; and that which was intended for  
the Encouragement of Trade and Navigation, becomes hurtful of,  
and destructive to the same.*

*For Remedy whereof, and for the effectual putting a Stop to,  
and for preventing the like unwarrantable Practices for the  
future, Be it enacted, &c. That all Policies, Instruments,  
Contracts, or Promises of Assurance, made from and after*

*Interest or no Interest, and Policies valued at the Sum assur-  
ed, or without further Proof of Interest, than the Policy, or in  
any other Words or Manner, to that or the same Effect ; or upon  
Ships, or other Vessels or Goods, loaden or to be loaden thereon,  
not made bona fide upon Interest, shall be, and are hereby de-  
clared (void) any Law, Statute, or Custom to the contrary  
in any wise notwithstanding.*

*Provided always, that nothing in this Act contained, shall ex-  
tend, or be construed to extend, to vacate or make void any Assu-  
rances made without Fraud, upon Interest of the whole, or any  
Part of the Sum for which the Assured shall appear to be con-  
cerned in the Vessel, or Goods so assured.*

*Provided always, that nothing in this Act contained, shall  
vacate or make void any Assurance made upon Account of Mo-  
ney lent upon Respondentia, or Bottomree Bonds, in which the  
Benefit of Salvage is allowed the Lender ; nor any Assurance  
made bona fide, to re-assure any Sum before assured, on any Ships  
or Vessels, or their Cargoes ; provided the same be mentioned in  
the Policy to be Re-assurance, or on Money so lent on Respon-  
dentia, or Bottomree Bonds.*

*And whereas by several Acts of Parliaments the Subjects of  
this Kingdom in general are restrained from trading to the  
East.*

Anno 14, Geo.  
II 1740.

Sir John  
Barnard.

S I R,

As it is our Duty to provide Laws, by which all Frauds and Oppressions may be punished, when they are detected, we are no less obliged to obviate such Practices as shall make Punishments necessary; nor are we only to facilitate the Detection, but take away, as far as it is possible, the Opportunities of Guilt. It is to no Purpose Punishments are threatened, if they can be evaded, or that Rewards are offered, if they may by any mean Artifices be with-held.

For this Reason, Sir, I think it necessary to observe, that the Intent of this Clause, the most favourable and alluring Clause in the Bill, may lose its Effect by a Practice not uncommon,

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*East-Indies, and the sole Right of trading thereto is by Law vested in the united Company of Merchants of England trading to the East-Indies; notwithstanding which, Assurances are often made in Great Britain upon Ships and Effects belonging to the Subjects of foreign Nations or Powers trading to the East-Indies: Be it farther enacted, by the Authority aforesaid, that all Assurances made after the Day of upon any Ships or Effects belonging to any foreign Kingdom, Nation, or Power, or to the Subjects thereof, trading to and from the East-Indies, or from one Part thereof to another, shall be deemed and taken to be [void] to all Intents, Constructions and Purposes whatsoever.*

*And whereas Assurance on the Ships or Effects of Persons, alien Enemies to this Kingdom, are greatly prejudicial to the true Interest thereof, and upon the Capture of such Ships or Effects, the real Loss sustained often falls upon the Subjects of Great Britain, who have made such Assurances, Be it further enacted, by the Authority aforesaid, that no Assurance to be made directly or indirectly on any the Ships or Effects of the Subjects of any Prince or State, not in Amity with the Crown of Great Britain, at the Time such Assurance is made, shall be of any Force or Validity in Law; but shall be [void] to all Intents, Constructions, and Purposes whatsoever.*

*Provided always, that if his Majesty shall, at any time, during the present War, think fit, in Pursuance of a Proviso contained in an Act made in the last Session of Parliament, intitled, An Act for prohibiting Commerce with Spain, to take off the Prohibitions and Restrictions of Commerce, or any Part thereof; then, and in such Case, it shall and may be lawful to make Assurance on such Commerce, or any Part thereof; any thing herein contained to the contrary notwithstanding."*

common, by which any Man, however inclined to serve his Country, may be defrauded of the Right of a Voluntier. Anno 14, Geo. II. 1740.

• Many Men have voluntarily applied to the Officers of Ships of War, and after having been rejected by them as unfit for the Service, have been dragged on Board within a few Days, perhaps within a few Hours afterwards, to undergo all the Hardships, without the Merit of Voluntiers.

• When any Man, Sir, has been rejected by the Sea-Officers, he ought to have a Certificate given him, which shall be an Exemption from an Impress, that, if any other Commander shall judge more favourably of his Qualifications, he may always have the Privilege of a Voluntier, and be entitled to the Reward which he deserved, by his Readiness to enter the Service.

• If such Provisions are not made, this hateful Practice, a Practice, Sir, common and notorious, and very discouraging to such as would enter the Service of the Public, may so far prevail, that no Man shall be able to denominate himself a Voluntier, or claim the Reward proposed by the Bill.

Sir Charles Wager.

SIR,

• It is not common for Men to receive Injuries without applying for Redress, when it may certainly be obtained. If any Proceedings like those which are now complained of, had been mentioned at the Board of Admiralty, they had been immediately censured and redressed; but as no such Accusations were offered, I think it may probably be concluded, that no such Crimes have been committed. Admiral Wager.

• For what Purpose Oppressions of this kind should be practised, is not easy to conceive; for the Officers are not at all rewarded for Impresssing Sailors. As therefore it is not probable that any Man acts wickedly or cruelly without Temptation; as I have never heard any such Injury complained of by those that suffer'd it, I cannot but imagine, that it is one of those Reports, which arise from Mistake, or are forg'd by Malice, to injure the Officers, and obstruct the Service.

Lord Baltimore.

SIR,

• That the Practice now complained of, is very frequent, and, whatever may be the Temptation to it, such as every Day produces some Instances of, I have Reasons for asserting with great Confidence. I have, within these few Days, as I was accidentally upon the River, inform'd myself of two Watermen ignominiously dragg'd by Force into the

Anno 14, Geo  
II 1740.

Service to which they had voluntarily offer'd themselves a few Days before. The Reasons of such Oppression, it is the Business of those Gentlemen to enquire, whom his Majesty entrusts with the Care of his Fleet; but to interrupt the Course of Wickedness, to hinder it from frustrating the Rewards offer'd by the Public, is the Province of the Representatives of the People. And I hope, Sir, some Proviso will be made in this Case.'

Sir John Norris.

SIR,

Sir John  
Norris.

' If any such Practices had been frequent, to what can it be imputed, that those who employ their Lives in Maritime Business should be Strangers to them? Why have no Complaints been made by those that have been injured? Or why should Officers expose themselves to the hazard of Censure, without Advantage? I cannot discover why these Hardships should be inflicted, nor how they could have been concealed, and therefore think the Officers of the Navy may be cleared from the Imputation, without further Enquiry.'

Sir John Barnard.

SIR,

Sir John  
Barnard.

' It is in vain that Objections are made, if the Facts upon which they are founded may be denied at pleasure: Nothing is more easy than to deny, because Proofs are not required of a Negative. But as Negatives require no Proof, so they have no Authority, nor can any Consequence be deduced from them. I might therefore suffer the Facts to remain in their present State, asserted on one side by those that have Reasons to believe them, and doubted on the other without Reasons; for surely he cannot be said to reason, who questions an Assertion only because he does not know it to be true.

' But as every Question by which the Liberty of a Briton may be affected, is of Importance sufficient to require that no Evidence should be suppressed by which it may be cleared, I cannot but think it proper that a Committee should be formed to examine the Conduct of the Officers in this Particular; and, in Confidence of the Veracity of those from whom I received my Information, I here promise to produce such Evidence as shall put an End to Controversy and Doubt.

' If this is not granted, Sir, the Fact must stand recorded and allowed; for to doubt, and refuse Evidence, is a Degree of Prejudice and Obstinacy without Example. Nor is this the only Objection to the Clause before us, which appears  
very

very imperfect with regard to the Qualifications specified as a Title to the Reward. The Reward ought not to be confined to those who shall hereafter be invited by the Promise of it to engage in the Service, while those who entered into it without any such Prospect, are condemned to Dangers and Fatigue without a Recompence. Where Merit is equal, the Reward ought to be equal; and surely where there is greater Merit, the Reward, proposed by the Parliament as an Encouragement to Bravery, ought not to be less. To be excluded from the Advantages which others have obtained only by avoiding the Service, cannot but depress the Spirit of those whose Zeal and Courage incited them, at the Beginning of the War, to enter into the Fleet; and to deject those from whom we expect Defence and Honour is neither prudent nor just.

Anon 14, Geo.  
II. 1740.

‘ Nor is it, in my Opinion, proper to offer the same Reward indiscriminately to all that shall accept it; Rewards ought to be proportioned to Desert, and no Man can justly be paid for what he cannot perform; there ought, therefore, to be some Distinction made between a Seaman by Profession, one that has learned his Art at the Expence of long Experience, Labour and Hazard, and a Man who only enters the Ship because he is useless on Land, and who can only incommode the Sailors till he has been instructed by them.

‘ It appears, Sir, to me a considerable Defect in our Naval Regulations, that Wages are not proportioned to Ability; and I think it may not be now unseasonably proposed, that Sailors should be paid according to the Skill which they have acquired; a Provision by which an Emulation would be raised among them, and that Industry excited, which now languishes for want of Encouragement; and those Capacities awakened, which now slumber in Ignorance and Sloth, from the Despair of obtaining any Advantage by Superiority of Knowledge.

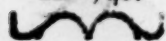
Sir Robert Walpole.

SIR,

‘ That this Charge, Sir, however positively urged, is generally unjust, the Declarations of these Honourable Gentlemen are sufficient to evince, since it is not probable that the injured Persons would not have found some Friend to have represented these Hardships to the Admiralty, and no such Representations could have been made without their Knowledge.

‘ Yet, Sir, I am far from doubting that, by Accident, or perhaps by Malice, some Men have been treated in this manner; for it is not in the Power of any Administration

Anno 14, Geo.  
II. 1740.



to make all those honest or wise whom they are obliged to employ; and when great Affairs are depending, minute Circumstances cannot always be attended to. If the Vigilance of those who are entrusted with the chief Direction of great Numbers of subordinate Officers be such, that corrupt Practices are not frequent, and their Justice such, that they are never unpunished when legally detected, the most strict Enquirer can expect no more. Power will sometimes be abused, and Punishment sometimes be escaped.

' It is, Sir, easy to be conceived that a Report may become general, tho' the Practice be very rare. The Fact is multiplied as often as it is related, and every Man who hears the same Story twice, imagines that it is told of different Persons, and exclaims against the Tyranny of the Officers of the Navy.

' But these, in my Opinion, Sir, are Questions, if not remote from the present Affair, yet by no means essential to it. The Question now before us is, not what Illegalities have been committed in the Execution of Impresses, but how Impresses themselves may become less necessary? How the Nation may be secured without Injury to Individuals? And how the Fleet may be manned with less Detriment to Commerce?

' Sir, the Reward now proposed is intended to excite Men to enter the Service without Compulsion; and if this Expedient be not approved, another ought to be suggested: For I hope Gentlemen are united in their Endeavours to find out some Method of Security to the Public, and do not obstruct the Proceedings of the Committee, that, when the Fleets lie inactive and useless, they may have an Opportunity to reproach the Ministry.'

Sir John Norris.

SIR,

Sir John  
Norris.

' Tho' it is not necessary to enter into an accurate Examination of the Gentleman's Proposal, yet I cannot but observe, that by making it he discovers himself unacquainted with the Disposition of Seamen, among whom nothing raises so much Discontent as the Suspicion of Partiality. Should one Man, in the same Rank, receive larger Wages than another, he who thought himself injured, as he who is paid less will always think, would be so far from exerting his Abilities to attain an Equality with his Associate, that he would probably never be prevailed on to lay his Hand upon the Tackling, but would sit sullen, or work perversely, tho' the Ship were labouring in a Storm, or sinking in a Battle.'

Mr.

Anno 14, Geo.  
II. 1740.

Mr. Gore.

SIR,

‘ The Danger of introducing Distinctions among Men in the same Rank, where every Man that imagines his Merit neglected may have an Opportunity of resenting the Injury, is doubtless such as no prudent Commander will venture to incur.

‘ Every Man in this Case becomes the Judge of his own Merit; and as he will always discover some Reason for the Preference of another very different from Superiority of Desert, he will, by consequence, be either enraged or dispirited, will either resolve to desert his Commander, or betray him to the Enemies, or not oppose them.

‘ I remember, tho’ imperfectly, a Story which I heard in my Travels, of an Army in which some Troops received a Penny a Day less than the rest; a Parsimony which cost dear in the Day of Battle, for the disgusted Troops laid down their Arms before the Enemy, and suffered their General to be cut in Pieces.’

General Wade.

SIR,

‘ I cannot but concur with the Honourable Gentleman in his Opinion, that those who are already engaged in the Service, who have born the Fatigues of a long Voyage, and perhaps are at this Hour exposing their Lives in Battle to defend the Rights of their Country, ought to have the same Claim to the Reward proposed with those who shall hereafter offer themselves. Nor in my Opinion ought those who have hitherto been pressed into our Fleets to be discouraged from their Duty by an Exclusion from the same Advantage: For if they were compelled to serve in the Fleet, they were compelled when there was not this Encouragement for Volunteers, which, perhaps, they would have accepted if it had been then proposed. Every Man at least will alledge, that he would have accepted it, and complain he suffers only by the Fault of the Government; a Government which he will not be very zealous to defend, while he is considered with less Regard than others from whom no greater Services are expected.

‘ A Prospect of new Rewards, Sir, will add new Alacrity to all the Forces, and an equal Distribution of Favour will secure an unshaken and inviolable Fidelity. Nothing but Union can produce Success, and nothing can secure Union but Impartiality and Justice.’

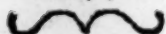
Mr. Gore.

General Wade

Mr.

Anno 14, Geo  
II. 1740.

Mr. Sandys.



SIR,

Sam. Sandys,  
Esq;

‘ The Efficacy of Rewards, and the Necessity of an impartial Distribution, are no unfruitful Subjects for Rhetoric; but it may perhaps be more useful at present to consider with such a Degree of Attention as the Question must be acknowledged to deserve, to whom these Rewards are to be paid, and from what Fund they are expected to arise.

With regard to those who are to claim the Reward, Sir, they seem very negligently specified; for they are distinguished only by the Character of having served five Years; a Distinction unintelligible, without Explanation.

‘ It is, I suppose, Sir, the Intent of the Bill, that no Man shall miss the Reward but by his own Fault, and therefore it may be enquired, what is to be the Fate of him who shall be disabled in his first Adventure, whom in the first Year or Month of his Service, an unlucky Shot shall confine for the remaining Part of his Life to Inactivity: As the Bill is now formed, he must be miserable without a Recompence; and his Wounds, which make him unable to support himself, will, tho’ received in Defence of his Country, entitle him to no Support from the Public.

‘ Nor is this the only Difficulty that may arise from the specifying of so long a Service; for how can any Man that shall enter on board the Fleet be informed that the War will continue for five Years? May we not all justly hope that Alacrity, Unanimity, and Prudence, may in a much shorter Time reduce our Enemies to beg for Peace? And shall our Sailors lose that Reward of their Hazards and their Labours, only because they have been successful? What will this be less than making their Bravery a Crime or Folly, and punishing them for not protracting the War by Cowardice or Treachery?

‘ But let us suppose, Sir, those Defects supplied by a more explicate and determinate Specification, there will yet arise an Objection which the present State of our Revenues will not suffer to be answered. The Consideration of the Greatness of the annual Payment which this Proposal requires, ought to incite every Man to employ all his Sagacity in search of some other Method equally efficacious and less expensive.

‘ We have already, Sir, 40,000 Seamen in our Pay, to whom 8000 more are speedily to be added; when each of these shall demand his Stipend, a new Burthen of 288000l. must be laid upon the Nation; upon a Nation, whose Lands are mortgaged, whose Revenues are anticipated, and whose  
Taxes

Taxes cannot be borne without Murmurs, nor increased without Sedition. Anno 14, Geo. II. 1740.

‘ The Nation has found by Experience, that Taxes once imposed for just Reasons, and continued upon plausible Pretences, till they are become familiar, are afterwards continued upon Motives less laudable, are too productive of Influence, and too instrumental towards facilitating the Measures of the Ministry, to be ever willingly remitted.’

Col. Bladen.

SIR,

‘ It is obvious that when the Balance is unequal, it may be reduced to an Equilibrium, as well by taking the Weight out of one Scale, as adding it to the other. The Wages offered by the Merchants overbalance, at present, those which are proposed by the Crown; to raise the Allowance in the Ships of War, will be to lay new Loads upon the Public, and will incommode the Merchants, whose Wages must always bear the same Proportion to the King's. The only Method then that remains, is to lighten the opposite Scale, by restraining the Merchants from giving Wages in Time of War beyond a certain Value; for as the Service of the Crown is then more immediately necessary to the general Advantage, than that of the Merchants, it ought to be made more gainful. Sailors, Sir, are not generally Men of very extensive Views; and therefore we cannot expect that they should prefer the general Good of their Country before their own present Interest, a Motive of such Power that even with Men of curious Researches, refin'd Sentiments, and generous Education, we see too often that it surmounts every other Consideration.,

Lord Baltimore.

SIR,

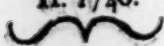
‘ To the Expedient which the Honourable Gentleman who spoke last has suggested, and which he must be confessed to have placed in the strongest Light, many Objections may be raised, which I am afraid will not easily be removed.

Lord Baltimore.

‘ The first, Sir, which occurs to me on this short Reflection is not less than the Impossibility of putting his Scheme in execution. The Prescription of Wages which he proposes, may be eluded by a thousand Artifices, by advanced Money, by gratuitous Acknowledgments, the Payment of Money for pretended Services, or by secret Contracts, which it will be the Interest of both Parties to conceal.

‘ But if this Objection could be surmounted by Severity and Vigilance, would not this Expedient help to defeat the general Intention of the Bill? A Bill not designed as an immediate

Anno 14, Geo  
II. 1740.



mediate Resource, a mere temporary Project to supply our Fleets for the present Year, but as a Method for removing the only Obstruction of the British Power, the Difficulty of manning our Ships of War.

‘ It is, I hope, Sir, the Intention of every Man who has offered his Sentiments on this Occasion, to contrive some general Encouragement for Seamen, which shall not only invite them to assist their Country at the first Summons, but shall allure others to qualify themselves for the public Service, by engaging in the same Profession.

‘ This is only to be done by making the Condition of Sailors less miserable, by entitling them to Privileges, and honouring them with Distinctions. But by limiting the Merchants Wages, if such Limitations are indeed possible, though we may palliate the present Distress, we shall diminish the Number of our Sailors, and, thereby, not only contract our Commerce, but endanger our Country.’

Mr. Tracy.

S I R,

Mr. Tracy.

‘ I know not for what Reasons the present Method of advancing Rewards at entrance is practised, of which, however specious it might appear, the Success by no means encourages the Continuance. The Sailors, tho’ not a Generation of Men much disposed to Reflection, or qualified for Ratiocination, are not yet so void of Thought as not easily to perceive that a small Increase of constant Wages is of more Value than several Pounds to be paid only at once, and which are squandered as soon as they are received.

‘ Instead therefore of restraining the Wages of the Merchants, it seems probable that, by raising those of the King, we may man the Fleet with most Expedition; and one Method of raising the Wages will be to suppress the advanced Money.’

Mr. Ryder (Attorney General)

S I R,

Mr. Ryder.

‘ If the Sum of Money now paid by Way of Advance can be supposed to have any Effect, if it can be imagined that any Number of Seamen, however inconsiderable, are allured by it into the Fleet, it is more usefully employ’d than it can be supposed to be when sunk into the current Wages, and divided into small Payments.

The Advance-Money is only paid to those that enter: If no Volunteers present themselves, no Money is paid, and the Nation doth not suffer by the Offer: But if the Wages are raised, the Expence will be certain, without the Certainty of Advantage;

Advantage; for those that enter voluntarily into the Fleet, will receive no more than those that are forced into it by an Impress; and therefore there will be no Incitement to enter without Compulsion. Thus every other Inconvenience will remain, with the Addition of a new Burthen to the Nation; our Forces will be maintained at a greater Expence, and not raised with less Difficulty.

Anno 14, Geo.  
II. 1740.

Lord Baltimore.

S I R,

‘ I cannot but concur in Opinion with the Hon. Gentleman who spoke last, from my own Acquaintance with the Sentiments and Habits that unalterably prevail among those who have been accusom’d to the Sea; a Race of Men to the last Degree negligent of any future Events, and careless about any Provision against distant Evils; Men who have no Thoughts at Sea but how to reach the Land, nor at Land but how to squander what they have gain’d at Sea. To Men like these it may easily be imagined that no Encouragement is equal to the Temptation of present Gain, and the Opportunity of present Pleasure.

Lord  
Baltimore,

‘ Of this any Man, Sir, may convince himself, who shall talk to a Crew but half an Hour; for he shall find few among them, who will not for a small Sum of present Money, sell any distant Prospect of Affluence or Happiness.

‘ Whether I am mistaken in my Opinion, the honourable Members who have long commanded in the naval Service, can easily determine; and I doubt not but they will agree, that no Motive can be proposed to a Sailor equivalent to immediate Reward.’

Sir William Yonge.

S I R,

‘ That some Distinction ought to be made to the Advantage of Volunteers, if we intend to mann our Fleet without Compulsion, is obvious and incontestable; and to avoid the Necessity of Compulsion ought to be the chief End of this Bill; for nothing can be less to the Advantage of the Nation, than to continue the Use of such ungrateful Methods, and yet increase the public Expence.

Sir William  
Yonge.

‘ We ought, therefore, in my Opinion, to determine upon some peculiar Reward, either to be advanc’d upon their Entrance into the Service, or paid at their Dismission from it.

‘ But as I see, Sir, no Reason for hoping that all the Encouragement which can be offer’d, will raise Volunteers in a sufficient Number to secure our Navigation, and assert our

Anno 14, Geo.  
II. 1740.

Sovereignty, it seems not proper to confine our Consultations to this Part of the Bill; for since Compulsion is on many Occasions apparently necessary, some Method requires to be consider'd, in which it may be legal.

What new Power ought to be placed in the Magistrate, for what Time, and what Restrictions, I am far from assuming the Province of determining; but that some Measures must be taken for compelling those who cannot be persuaded, and discovering those that will not offer themselves, cannot admit of Doubt; and as the Magistrate is at present without any Authority for this Purpose, it is evident that his Power must be extended for the same Reason as it was given in its present Degree, the general Benefit of the whole Community.

Sir John Barnard.

S I R,

Sir John  
Barnard.

If the Intent of this Bill be to enable one Part of the Nation to enslave the other; if the plausible and inviting Professions of encouraging and increasing Seamen, are to terminate in Violence, Constraint, and Oppression; it is unnecessary to dwell longer upon particular Clauses. The Intention of the Bill is detestable, and deserves not the Ceremony of Debate, or the Forms of common Regard.

If a Man, Sir, is liable to be forc'd from the Care of his own private Affairs, from his favourite Schemes of Life, from the Engagements of domestic Tendernefs, or the Prospect of near Advantage, and subjected, without his Consent, to the Command of one whom he hates, or dreads, or perhaps despises, it requires no long Argument to shew, that by whatever Authority he is thus treated, he is reduced to the Condition of a Slave, to that abject, to that hateful State, which every *Englishman* has been taught to avoid at the Hazard of his Life.

It is therefore evident, that the Law which tends to confer such a Power, subverts our Constitution as far as its Effects extend; a Constitution, which was originally formed as a Barrier against Slavery, and which one Age after another has endeavour'd to strengthen.

Such a Power, therefore, in whatever Hands it may be lodg'd, I shall always oppose. It is dangerous, Sir, to entrust any Man with absolute Dominion, which is seldom known to be impartially exercised, and which often makes those corrupt and insolent, whom it finds benevolent and honest.

The Bill proposes only Encouragement; and Encouragement may be given by his Majesty, without a new Law;  
let

let us therefore draw up an Address, and cease to debate, Anno 14, Geo II. 1740.

Mr. Winnington.

S I R,

‘ The Payment of an annual Salary will, in my Opinion, be Mr. Winnington. to the last Degree inconvenient and dangerous. The yearly Expence has been already estimated, and arises to a Sum very formidable in our present State. Nor is the Necessity of adding to the Public Burthen, a Burthen which is already hard to be borne, the only Objection to this Proposal.

‘ Nothing can more contribute to dispirit the Nation, than to protract the Consequences of a War, and to make the Calamity felt, when the Pleasures of Victory and Triumph have been forgotten; we shall be inclin’d rather to bear Oppression and Insult, than endeavour after Redress, if we subject ourselves and our Posterity to endless Exactions.

‘ The Expences of the present Provision for superannuated and disabled Sailors, is no inconsiderable Tax upon the Public, which is not less burthen’d by it for the Manner of collecting it, by a Deduction from the Sailors Wages; for, whoever pays it immediately, it is the ultimate Gift of the Nation, and the utmost that can be allowed for this Purpose.

‘ It must be confessed, Sir, the Persons entitled to the Pension are not sufficiently distinguish’d in the Bill; by which, as it now stands, any of the worthless Superfluities of a Ship, even the Servants of the Captains, may, after five Years, put in their Demand, and plunder that Nation which they never serv’d.

‘ Nor do I think, Sir, the Efficacy of this Method will bear any Proportion to the Expence of it; for I am of Opinion, that few of the Sailors will be much affected by the Prospect of a future Pension. I am therefore for dazzling them with Five Pounds to be given them at their Entrance, which will be but a single Payment, and probably fill our Fleets with greater Expedition, than Methods which appear more refin’d, and the Effects of deeper Meditation.’

Lord Gage.

S I R,

‘ Nothing is more clear than that a yearly Pension will Lord Gage burthen the Nation without any Advantage; and as it will give Occasion to innumerable Frauds, it is a Method which ought to be rejected.

‘ As to the new Power, Sir, which is propos’d to be placed in the Hands of the Magistrates, it undoubtedly reduces every Sailor to a State of Slavery, and is inconsistent with that na-

Anno 14, Geo  
II. 1740

tural Right to Liberty, which is confirmed and secured by our Constitution. The Bill therefore is, in my Opinion, defective in all its Parts, of a Tendency generally pernicious, and cannot be amended but by rejecting it.

Mr. Pelham.

S I R,

Mr. Pelham.

‘ I cannot but think it necessary, that, on this Occasion at least, Gentlemen should remit the Ardour of Disputation, and lay the Arts of Rhetoric aside, that they should reserve their Wit and their Satire for Questions of less Importance, and unite, for once, their Endeavours, that this Affair may meet with no Obstructions but from its natural Difficulty.

‘ We are now, Sir, engaged in a War with a Nation, if not of the first Rank in Power, yet by no Means contemptible in itself; and, by its Alliances, extremely formidable. We are exposed, by the Course of our Trade, and the Situation of our Enemies, to many inevitable Losses, and have no Means of preventing our Merchants from being seized, without Danger or Expence to the Spaniards, but by covering the Sea with our Squadrons.

‘ Nor are we, Sir, to satisfy ourselves with barely defeating the Designs of the Spaniards; our Honour demands that we should force them to Peace upon advantageous Terms; that we should not repulse, but attack them; not only preserve our own Trade and Possessions, but endanger theirs.

‘ It is by no Means certain, Sir, that, in the Prosecution of these Designs, we shall not be interrupted by the Interest or Jealousy of a Nation far more powerful, whose Forces we ought therefore to be able to resist.

‘ A vigorous Exertion of our Strength will probably either intimidate any other Power that may be inclin’d to attack us, or enable us to repel the Injuries that shall be offered: Discord and Delay can only confirm our open Enemies in their Obstinacy, and animate those that have hitherto concealed their Malignity to declare against us.

‘ It is, therefore, Sir, in no degree prudent to aggravate the Inconveniencies of the Measures proposed, for accomplishing what every Man seems equally to desire; to declaim against the Expedients offered in the Bill as pernicious, unjust, and oppressive, contributes very little to the Production of better Means. That our Affairs will not admit of long Suspence, and that the present Methods of raising Seamen are not effectual, is universally allowed; it therefore evidently follows, Sir, that some other must be speedily struck out.

‘ I think it necessary to propose, that the House be resolved into a Committee to-morrow Morning; and hope all that  
assemble

assemble on this Occasion, will bring with them no other Passion than Zeal for their Country.

Paf-Anno 14, Geo.  
II. 1740.

The Speaker then resumed the Chair, and the Chairman of the Committee reported, that they had made some Progress; and desir'd Leave to sit again.

The 3d. Agreed to the Report of a Bill for opening a Trade to and from Persia thro' Russia: Ordered it to be engrossed.

Read a third time, and passed the Bill for the more easy Recovery of Small Debts: Ordered it to the Lords.

In a Committee, went thro' the Bill to indemnify Protestant Purchasers of Estates of Papists, &c.

The 4th. In a grand Committee took into further Consideration the Bill for the Encouragement of Seamen, and for the speedier Manning his Majesty's Fleet, when a Clause was offer'd, by which 5l. was proposed to be advanced to an able Seaman, and 3l. to every other Man that should enter voluntarily into his Majesty's Service, after 20 Days and within 60.

Mr. Winnington.

S I R,

' This is a Clause in which no Opposition can be apprehended, as those Gentlemen who declared their Disapprobation of the former, were almost unanimous in proposing this Expedient, as the least expensive, and the most likely to succeed.

Mr. Winnington.

' The Time for the Reception of Volunteers upon this Condition, is, Sir, in my Opinion, judiciously determined. If it was extended to a greater length, or left uncertain, the Reward would lose its Efficacy, the Sailors would neglect that which they might accept at any time, and would only have recourse to the Ships of War when they could find no other Employment.

' Yet I cannot conceal my Apprehensions, that this Bounty will not alone be sufficient to man our Fleets with proper Expedition; and that as Allurements may be useful on one hand, Force will be found necessary on the other, that the Sailors may not only be incited to engage in the Service by Hopes of a Reward, but by the Fear of having their Negligence to accept it punished, by being compell'd into the same Service, and forfeiting their Claim by staying to be compell'd.'

Lord Baltimore.

S I R,

' To the Reward proposed in this Clause, I have declared in the former Conference on this Bill, that I have no Objection,

Lord  
Baltimore

Anno 14, Geo.  
II. 1740.

jection, and therefore have no Amendment to propose, except with regard to the Time limited for the Payment.

‘As our need of Seamen, Sir, is immediate, why should not a Law for their Encouragement immediately operate? What Advantages can arise from Delays? Or why is not that proper to be advanced now, that will be proper in twenty Days? That all the Time between the Enaction and Operation of this Law must be lost, is evident; for who will enter for two Pounds, that may gain five by with-holding himself from the Service twenty Days longer?’

‘Nor do I think the Time now limited sufficient; many Sailors who are now in the Service of the Merchants, may not return soon enough to lay Claim to the Bounty, who would gladly accept of it, and who will either not serve the Crown without it, or will serve with Disgust and Complaints; as the Loss of it cannot be imputed to their Backwardness, but to an Accident against which they could not provide.’

Mr. Winnington.

S I R,

Mr. Winning-  
ton.

‘Tho’ I think the Time now fixed by the Bill sufficient, as I hope that our present Exigency will be but of short Continuance, and that we shall soon be able to raise Naval Forces at a cheaper Rate, yet, as the Reasons alledged for an Alteration of the Time may appear to others of more Weight than to me, I shall not oppose the Amendment.’

Sir John Barnard.

S I R,

Sir John  
Barnard.

‘With regard to the Duration of the Time fixed for the Advancement of this Bounty, we may have Leisure to deliberate; but surely it must be readily granted by those who have expatiated so copiously upon the present Exigencies of our Affairs, that it ought immediately to commence. And if this be the general Determination of the House, nothing can be more proper than to address his Majesty to offer, by Proclamation, an Advance of five Pounds, instead of two, which have been hitherto given; that, while we are concerting other Measures for the Advantage of our Country, those in which we have already concurred, may be put in execution.’

Mr. Pulteney.

S I R,

Mr Pulteney.

‘I take this Opportunity to lay before the House a Grievance which very much retards the Equipment of our Fleets, and which must be redressed before any Measures for reconciling

reconciling the Sailors to the public Service can be pursued with the least Probability of Success. Anno 14, Geo. II. 1740.

‘ Observation, Sir, has informed me, that to remove the Detestation of the King’s Service, it is not necessary to raise the Wages of the Seamen, it is necessary only to secure them; it is necessary to destroy those hateful Insects that fatten in Idleness and Debauchery, upon the Gains of the Industrious and Honest.

‘ When a Sailor, Sir, after the Fatigues and Hazards of a long Voyage, brings his Ticket to the Pay-Office, and demands his Wages, the despicable Wretch to whom he is obliged to apply, looks upon his Ticket with an Air of Importance, acknowledges his Right, and demands a Reward for present Payment; with which Demand, however exorbitant, the Necessities of his Family oblige him to comply.

‘ In this manner, Sir, are the Wives of the Sailors also treated when they come to receive the Pay of their Husbands; Women, distressed, friendless, and unsupported; they are obliged to endure every Insult, and to yield to every Oppression. And to such a Height do these merciless Exactors raise their Extortions, that sometimes a third Part of the Wages is deducted.

‘ Thus, Sir, do the vilest, the meanest of Mankind, plunder those who have the highest Claim to the Esteem, the Gratitude, and the Protection of their Country. This is the Hardship which with-holds the Sailors from our Navies, and forces them to seek for kinder Treatment in other Countries. This Hardship, Sir, both Justice and Prudence call upon us to remedy; and while we neglect it, all our Deliberations will be ineffectual.’

Mr. Southwell.

SIR,

‘ Of the Hardships mentioned by the Honourable Gentleman who spoke last, I have myself known an Instance, too remarkable not to be mentioned. A Sailor in Ireland, after his Voyage, met with so much Difficulty in obtaining his Wages, that he was at length reduced to the Necessity of submitting to the Reduction of near a sixth Part. Such are the Grievances with which those are oppressed, upon whom the Power, Security, and Happiness of the Nation are acknowledged to depend.’ Mr. Southwell

Sir Robert Walpole.

SIR,

‘ It is not without Surprise that I hear the Disgust of the Sailors ascribed to any Irregularity in the Payment of their Sir Robert Walpole.

Anno 14, Geo. their Wages, which were never in any former Reign so punctually discharged. They receive, at present, twelve Months Pay in eighteen Months, without Deduction; so that there are never more than six Months for which any Demand remains unsatisfied.

‘ But, Sir, the Punctuality of the Payment has produced of late great Inconveniencies; for there has been frequently a Necessity of removing Men from one Ship to another; and it is the stated Rule of the Pay-Office, to assign every Man so removed his full Pay. These Men, when the Government is no longer indebted to them, take the first Opportunity of deserting the Service, and engaging in Business to which they are more inclined.

‘ This is not a chimerical Complaint founded upon rare Instances, and produced only to counterbalance an Objection; the Fact and the Consequences are well known, so well, that near 1400 Sailors are computed to have been lost by this Practice.’

The Speaker.

S I R,

The Speaker. ‘ The Nature of the Employment with which I am entrusted, makes it my Duty to endeavour that this Question may be clearly understood, and the Condition of the Seamen, with Regard to the Reception of their Pay, justly represented.

‘ I have not been able to discover that any Sailor upon producing his Ticket, was ever obliged to submit to the Deduction of any Part of his Wages, nor should any Clerk or Officer under my Inspection, escape for such Oppression, the severest Punishment, and most public Censure; I would give him up to the Law without Reserve, and mark him as infamous and unworthy of any Trust or Employment.

‘ But there are Extortioners, Sir, by which those unhappy Men, after having serv'd their Country with Honesty and Courage, are deprived of the lawful Gains of Diligence and Labour. There are Men to whom it is usual amongst the Sailors to mortgage their Pay before it becomes due, who never advance their Money but upon such Terms, as cannot be mention'd without Indignation. These Men advance the Sum which is stipulated, and by Virtue of a Letter of Attorney are re-imburs'd at the Pay-Office.

‘ This Corruption is, I fear, not confin'd to particular Places, but has spread even to the West-Indies, where, as in his own Country, the poor Sailor is seduced, by the Temptation of present Money, to sell his Labour to Extortioners and Usurers.

I appeal to the Gentleman whether the Instance which he mentioned was not of this Kind. I appeal to him without Apprehension of receiving an Answer that can tend to invalidate what I have asserted.

Anno 14, Geo.  
II. 1740.

[ Mr. Southwell own'd it was by a Letter of Attorney. ]

' This, Sir, is indeed a Grievance pernicious and oppressive, which no Endeavours of mine shall be deficient in attempting to remove; for by this the Sailor is condemn'd, notwithstanding his Industry and Success, to perpetual Poverty, and to labour only for the Benefit of his Plunderer.'

The Clauses were then read, Empowering the Justices of the Peace, &c. to issue Warrants to the Constables, &c. to make general privy Searches, by Day or Night, for finding out and securing such Seamen and Seafaring Men as lie hid or conceal themselves; and making it lawful for the Officers appointed to make such Searches, to force open the Doors of any House where they shall suspect such Seamen to be concealed, if Entrance be not readily admitted; and for fixing a Penalty on those who shall harbour or conceal any Seamen.

Clause relating to privy Search for Seamen.

Sir John Barnard.

SIR,

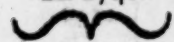
' We have been hitherto deliberating upon Questions, in which Diversity of Opinions might naturally be expected, and in which every Man might indulge his own Opinion, whatever it might be, without any dangerous Consequences to the Public. But the Clauses now before us are of a different kind; Clauses which cannot be read without Astonishment and Indignation, nor defended without betraying the Liberty of the best, the bravest, and most useful of our Fellow-Subjects

Debate thereon.  
Sir John Barnard.

' If these Clauses, Sir, should pass into a Law, a Sailor and a Slave will become Terms of the same Signification. Every Man who has devoted himself to the most useful Profession, and most dangerous Service of his Country, will see himself deprived of every Advantage which he has laboured to obtain, and made the mere passive Property of those who live in Security by his Valour, and owe to his Labour that Influence which hardens them to Insensibility, and that Pride that swells them to Ingratitude.

' Why must the Sailors alone, Sir, be marked out from all the other Orders of Men for Ignominy and Misery? Why must they be ranked with the Enemies of Society, stopped like Vagabonds, and pursued like the Thief and the Murderer,

Anno 14, Geo  
II. 1740.



Murderer, by public Officers? How or when have they forfeited the common Privilege of human Nature, or the general Protection of the Laws of their Country? If it is a just Maxim, Sir, that he who contributes most to the Welfare of the Public, deserves most to be protected in the Enjoyment of his private Right or Fortune, (a Principle which surely will not be controverted) where is the Man that dares stand forth and assert, that he has juster Claims than the brave, the honest, the diligent Sailor?

‘ I am extremely unwilling, Sir, to engage in so invidious an Undertaking, as the Comparison of the harmless, inoffensive, resolute Sailor, with those who think themselves entitled to treat him with Contempt, to overlook his Merit, invade his Liberty, and laugh at his Remonstrances.

‘ Nor is it, Sir, necessary to dwell upon the peculiar Merit of this Body; of Men it is sufficient that they have the same Claims, founded upon the same Reasons with our own; that they have never forfeited them by any Crime, and therefore that they cannot be taken away, without the most flagrant Violation of the Laws of Nature, of Reason, and of our Country.

‘ Let us consider the present Condition of a Sailor, let us reflect a little upon the Calamities to which Custom, tho’ not Law, has already made him subject, and it will surely not be thought that his Unhappiness needs any Aggravation.

‘ He is already exposed to be forced, upon his Return from a tedious Voyage, into new Hardships, without the Intermission of a Day, and without the Sight of his Family; he is liable, after a Contract for a pleasing and gainful Voyage, to be hurried away from his Prospects of Interest, and condemned, amidst Oppression and Insolence, to Labour and to Danger, almost without the Possibility of a Recompence. He has neither the Privilege of chusing his Commander, nor of leaving him when he is defrauded and oppressed.

‘ These, Sir, I say, are the Calamities to which he is now subject, but there is now a Possibility of escaping them. He is not yet deprived of the Right of Resistance, or the Power of Flight; he may now retire to his Friend, and be protected by him; he may take Shelter in his own Cottage, and treat any Man as a Robber, that shall attempt to force his Doors.

‘ When any Crews are returning Home in Time of War, they are acquainted with the Dangers of an Impress, but they comfort themselves with contriving Stratagems to elude it, or with the Prospect of obtaining an Exemption from it by the Favour of their Friends: Prospects which are often deceitful,

deceitful, and Stratagems frequently defeated, but which yet support their Spirits, and animate their Industry. Anon 14, Geo. II. 1740.

‘ But if this Bill, Sir, should become a Law, the Sailor, instead of amusing himself on his Return, with the Prospects of Ease, or of Pleasure, will consider his Country as a Place of Slavery, a Residence less to be desired than any other Part of the World. He will probably seek, in the Service of some foreign Prince, a kinder Treatment, and will not fail, in any Country but his own, to see himself at least on a Level with other Men.

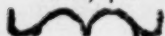
‘ Nor will this Bill, Sir, only give the Seamen new Reason of Disgust, but it will tend likewise to aggravate those Grievances which already have produced a Detestation of the public Service, scarcely to be conquered.

‘ The Officers of the Navy, Sir, will hardly be made less insolent by an Increase of Power; they whose Tyranny has already alienated their Fellow Subjects from the King’s Service, tho’ they could only depend upon the Character of Probity and Moderation for the Prospect of manning their Ships in succeeding Expeditions, will probably, when they are animated by a Law like this, and made absolute both by Land and Sea, indulge themselves in the Enjoyment of their new Authority, contrive new Hardships and Oppressions, and tyrannize without Fear and without Mercy. Thus, Sir, will the Bill not only be tyrannical in itself, but the Parent of Tyranny; it will give Security to the Cruel, and Confidence to the Arrogant.

‘ That any Man, at least any Man bred from his Infancy to change his Residence, and accustomed to different Climates and to foreign Nations, will fix by Choice in that Country where he finds the worst Reception, is hardly to be imagined. We see, indeed, that Men unqualified to support themselves in other Countries, or who have, by long Custom, contracted a Fondness for particular Methods of Life, will bear very uncomfortable Circumstances, without endeavouring to improve their Conditions by a Change of their Habitations. But the Temper of a Sailor, acquainted with all Parts, and indifferent to all, is of another kind. Such, Sir, is his Love of Change, arising either from Wantonness or Curiosity, that he is hard to be retained by the kindest Treatment and most liberal Rewards, and will therefore never struggle with his habitual Dispositions, only to continue in a State of Slavery.

‘ I think it therefore, Sir, very evident that this new Method of encouraging Sailors will be so far from increasing them, that it may probably drive them out of the Kingdom,

Anno 14, Geo. II. 1740. and at once ruin our Trade and our Navy ; at once beggar and disarm us.



‘ Let me now suppose, Sir, for a Moment, the Bill less pernicious in its Consequences, and consider only the Difficulties of executing it. Every Sea-faring Man is to be seized at Pleasure by the Magistrate ; but what Definition is given of a Sea-faring Man ? Or by what Characteristic is the Magistrate to distinguish him ? I have never been able to discover any Particularities in the form of a Seaman that mark him out from the rest of the Species. There is, indeed, less Servility in his Air, and less Effeminacy in his Face, than in those that are commonly to be seen in Drawing-Rooms, in Brothels, and at Reviews ; but I know not that a Seaman can be distinguished from any other Man of equal Industry or Use, who has never enervated himself by Vice, nor polished himself into Corruption. So that this Bill, Sir, if it shall pass into a Law, will put it at once in the Power of the Magistrate to dispose of Seamen at his Pleasure, and to term whom he pleases a Seaman.

‘ Another Expedient, Sir, has been offered on this Occasion not equally tyrannical, but equally inadequate to the End in View. It is proposed to restrain the Merchants from giving Wages beyond a certain Rate, on the Supposition that the Sailors have no Motive but that of larger Wages, to prefer the Service of the Merchants to that of the Crown.

‘ This, Sir, is a Mistake which might easily arise from a partial and imperfect Knowledge of the Affair, with which very few Gentlemen have Opportunities of being well acquainted. The Wages, Sir, are the smallest Inducements which fix the Seamen in their Choice. The Prospect of kinder Treatment, the Certainty of returning Home in a fixed Time, and the Power of chusing what Voyages they will undertake, cannot but be acknowledged very reasonable Motives of Preference.

‘ On the contrary, Sir, when they are once engaged in a Ship of War, they know neither whither they are going, what Dangers they shall encounter, what Hardships they shall suffer, nor when they shall be dismissed.

‘ Besides, Sir, I do not think it possible by any Law to limit the Wages to be paid by Merchants, since they will change the Term of Wages into that of a Present, or admit the Sailors to a small Share in the Freight, and so all the Precaution we can take will become ineffectual.

‘ In the mean time, Sir, how much shall we embarrass our own Commerce, and impair our natural Strength, the Power of our Fleets ? We shall terrify our Sailors on the one Hand, and endeavour to starve them on the other ; we shall not only drive

drive them from us by unheard-of Severities, but take away every Motive that can induce them to expose themselves to the Danger of suffering them.

Anno 14, Ge.  
II. 1740.

‘ If we consider, Sir, with what Effect Methods nearly approaching these were practised in the Reign of the late Queen Anne, we shall find that not more than 1500 Seamen were raised, and those at the Expence of more than 4000l. so that the Effects bore no Proportion to the Means; our Laws were infringed, and our Constitution violated to no Purpose.

‘ But what Reason, Sir, can be assigned for which it must be more difficult to supply the Fleet now with Sailors than at any other Time? This War, Sir, was demanded by the public Voice, in pursuance of the particular Remonstrances of the Merchants, and it is not to be supposed that the Sailors, or any other Body of Men, engage in it with a particular Reluctance.

‘ I am therefore inclined to believe that the Suspicion of great Numbers hid in the Country, at a Distance from the Coasts, is merely chimerical; and that if we should pass this Bill, we should do nothing more than grant an oppressive and unconstitutional Power of Search for what in reality is not to be found.

‘ How oppressive this Power may become in the Hands of a corrupt or insolent Magistrate, any Man may discover who remembers that the Magistrate is made Judge, without Appeal, of his own Right to denominate any Man a Sailor, and that he may break open any Man’s Doors at any Time, without alledging any other Reason than his own Suspicion; so that no Man can secure his House from being searched, or, perhaps, his Person from being seiz’d.

‘ It may indeed be alledged, Sir, that this will be only a temporary Law, and is to cease with the Exigence that made it necessary: But long Experience has inform’d us, that severe Laws are enacted more readily than they are repeal’d; and that most Men are too fond of Power to suffer willingly the Diminution of it.

‘ But, Sir, though the Law should not be perpetuated, every Precedent of an Infringment of our Constitution, makes Way for our Dissolution; and the very Cessation of an oppressive Law, may be a Plea hereafter for the Revival of it.

‘ This Bill therefore must be confessed to be at once violent and ineffectual; to be a Transgression of the Laws of Justice to particular Men, without any Prospect of real Benefit to the Community; and therefore cannot be passed without deviating at once from Prudence and our Constitution.’

Captain

Anno 14, Geo  
II. 1740.

Captain Cornwall.

Capt. Corn-  
wall.

SIR,

‘ I have observ’d, Sir, that every Man is apt to think himself ill treated, who is not treated according to his own Opinion of his Deserts, and will endeavour to diffuse his own Notion of the Partiality and Tyranny of the Naval Officers; general Clamours therefore are little to be regarded.

‘ I have had, from my early Years, a Command in the Sea Service, and can assert, that I never knew more than one Instance of Injustice, and that was punished with the Severity it deserved.’

● Sir Robert Walpole.

SIR,

Sir Robert  
Walpole

‘ It is with uncommon Satisfaction that I see every Clause of this Bill regularly debated, without unbecoming Impatience, or passionate Exclamations. I am willing to collect from this Conduct, that the Disposition of every Gentleman is, on this Occasion, the same with my own; and that every Expedient here propos’d will be diligently examined, and either be seriously approved, or be calmly rejected.

‘ Such Coolness and Impartiality, Sir, is certainly required by the Importance of the present Question; a Question which cannot but influence the Prosperity of the Nation for many Years.

‘ It is not necessary to remind any Gentlemen of the Importance of our Trade, of the Power of the Enemy against whom we have declar’d War in Defence of it, or of the Necessity of shewing the World that our Declarations of War are not empty Noises, or Farces of Resentment. But it may be proper, Sir, to remark, that this is not the only Enemy, nor the most powerful, whose Attempts we have Reason to provide against, and who may oblige us to exert our whole Power, and practise every Expedient to increase our Forces.

‘ The War has been hitherto prosecuted with the utmost Vigour, with all the Attention that its Importance requires, and with Success not disproportioned to our Preparations; nor will it ever be suffered to languish, if the Powers necessary for carrying it on are not denied.

‘ Nothing is more evident, Sir, than that the natural Power of the Nation consists in its Fleets, which are now, by the Care of the Government, so numerous, that the united Power of many Nations cannot equal them. But what are Fleets unfurnished with Men? How will they maintain the Dominion of the Sea, by lying unactive in our Harbours?

‘ That

‘ That no Methods hitherto used have been sufficient to man our Navies, and that our Preparations have therefore been little more than an expensive Shew of War, the whole Nation is sufficiently inform’d; it is therefore not doubtful that some new Measures must be taken; whether any better can be suggested than are offered in this Bill, must be enquired.

Anno 14. Geo.  
II. 1746.

‘ With regard, Sir, to the Clause now under our Consideration, it is to be remembred, that little more is proposed by it than to add the Sanction of Legality to a Power which has long been exercised by the Admiralty, without any other Authority than that of long Prescription, the Power of issuing Warrants of Impress upon emergent Occasions, by which Sailors are forced into the public Service.

‘ This Power, in its present State, must be allow’d to have no Foundation in any Law, and by Consequence, to be unlimited, arbitrary, and easily abused, and upon the whole, to be justifiable only by Necessity: But that Necessity is so frequent, that it is often exercised, and therefore ought to be regulated by the Legislature; and by such Regulations, we may rather be said to remove than introduce a Grievance.

‘ The Power of searching for Sailors, however it has been represented, is far from setting them on a Level with Felons, Murderers, or Vagabonds; or indeed from distinguishing them, to their Disadvantage, from the rest of the Community, of which every Individual is obliged to support the Government.

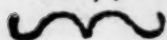
‘ Those that possess Estates, or carry on Trade, transfer Part of their Property to the Public; and these ought, by Parity of Reason, to serve the Public in Person, that have no Property to transfer. Every Man is secured by the Constitution in the Enjoyment of his Life, his Liberty, or his Fortune; and therefore every Man ought reciprocally to defend the Constitution to which he is himself indebted for Safety and Protection.

‘ I am therefore, Sir, unable to discover in what consists the Hardship of a Law by which no new Duties are enjoined, nor any Thing requir’d, which is not already every Man’s Duty. Every Man, indeed, who is desirous of evading the Performance of any of the Duties of Society, will consider every Compulsion as a Hardship, by which he is obliged to contribute to the general Happiness; but his Murmurs will prove nothing but his own Folly and Ingratitude, and will certainly deserve no Regard from the legislative Power.

‘ There is in the Bill before us, Sir, Encouragement sufficient for Volunteers, and an Offer of greater Rewards than some Gentlemen think consistent with the present State of the

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II. 1740.



the National Revenues; and what remains to be done with respect to those who are deaf to all Invitations, and blind to all Offers of Advantage? Are they to sit at Ease only because they are idle, or to be distinguish'd with Indulgence only for want of deserving it?

• It seems generally granted, Sir, that such Drones are the proper Objects for an Impress. Let us then suppose that every Man who is willing to serve his Country, has laid hold of the Reward propos'd, and enter'd a Volontier. The Fleets are not yet sufficiently mann'd, more Sailors must be produc'd. Warrants are issued out in the common Form. The Negligent, the Imprudent, the Neccessitous are taken. The Vigilant, the Cunning, and those that have more Money find Shelter and escape. Can it be said, that those, whose Circumstances, or good Fortune, enable them to secure themselves from the Officers of the Impress, deserve any Exemption from the public Service, or from the Hardships to which their Companions are expos'd? Have they discharged their Debt of Gratitude to the Public so effectually by running away from its Service, that no Search ought to be made after them? It seems evident, that, if it was right to seize the one, it is likewise right to pursue the other, and if it be right to pursue him, it is likewise right to hinder him from escaping the Pursuers. It is then right to vest some Persons with the Power of apprehending him, and in whom is that Power to be lodg'd, but in the Civil Magistrate?

• Every Man, Sir, is oblig'd by compulsive Methods to serve his Country, if he can be prevail'd upon by no other. If any Man shall refuse to pay his Rates or his Taxes, will not his Goods be seized by Force, and sold before his Face? If any particular Methods are propos'd for obliging Seamen to contribute to the public Safety, it is only because their Service is more necessary upon more pressing Occasions than that of others; upon Occasions that do not admit of Delay, without the Hazard of the whole Community.

• I must confess, Sir, there are many Instances in which the Hardships of the seafaring Part of the Nation are peculiar, and truly calamitous. A Sailor, after the Dangers and Toils of a long Voyage, when he is now in the Sight of the Port, where he hopes to enjoy that Quiet which he has deserv'd by so long a Series of Fatigues, to repair the Injuries which his Health has suffer'd, by Change of Climate, and the Diet of the Ships, and to recover that Strength which incessant Vigilance has worn away. When he is in Expectation of being received by his Family with those Caresses, which the Succours that he brings them naturally produce, and designs to rest a while from Danger and from Care. In the

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midst of these pleasing Views, he is, on the sudden, seiz'd by an Impress, and forc'd into a Repetition of all his Miseries, without any Interval of Refreshment.

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‘ Let no Man, who can think without Compassion on such a Scene as this, boast his Zeal for Freedom, his Regard for Bravery, or his Gratitude to those who contribute to the Wealth and Power of their Country ; let every Man who declares himself touched with the Pity which the slightest Reflection, upon such a Disappointment, must naturally produce, sincerely endeavour to obviate the Necessity of such oppressive Measures; which may at least, in part, be prevented, by assigning to Magistrates the Power of hunting out of their Retreats, those who neglect the Business of their Callings, and linger at once in Laziness and Want.

‘ There are great Numbers who retire not from Weariness but Idleness, but an unreasonable Prepossession against the public Service; and surely nothing is more unreasonable, than that bad Dispositions should be gratified, and that Industry should expose any Man to Penalties.

‘ Upon the whole, Sir, I am not able to discover, that any Man should be exempted from an Impress, merely because he finds Means to escape it, or because Idleness or Disinclination to the public Service prompts him to abscond.

‘ If any Men deserve Indulgence, in Opposition to the Demands of the Public, they are rather those who have already in some Degree discharg'd their Duty to it, by contributing to bring in that Wealth which is the Consequence of a prosperous and well-regulated Commerce, and without which War cannot be supported.

‘ It is not without Grief and Regret, that I am obliged to represent on this Occasion, the Obstructions which the War has suffer'd from those at whose Request it was undertaken; and to declare that the Conduct of the Merchants has afforded Proof that some Law of this Tendency is absolutely necessary.

‘ The Merchants, Sir, who have so loudly complained of the Decline of Trade, the Interruption of Navigation, and the Insolence, Rapacity and Cruelty of the Spaniards; the Merchants who filled the Nation with Representations of their Hardships, Discouragements, and Miseries, and lamented in the most public Manner, that they were the only Body for whom the Legislature had no Regard, who were abandoned to the Caprice of other Nations, were plundered Abroad, and neglected at Home; the Merchants, after having at length by their Importunities engaged the State in a War, of which they have themselves certainly not the

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least Pretensions to question either the Justice or Necessity, now, when, by the natural Consequences of a naval Armament, Sailors become less numerous, and Ships more difficult to be equipp'd, contract in private with such Sailors as they are inclin'd to employ, and conceal them in Garrets hired for that Purpose, till the Freight is ready, or the Danger of an Impress is past, and thus secure their own private Affairs at the Hazard of the Public, and hinder the Operations of a War, which they and they only sollicit.

' The Danger of having other Enemies than the Spaniards, Enemies more active, more powerful, and more ambitious, has already been mention'd; a Danger sonear, and so formidable, that he will not be thought very solicitous for his Country, whom the bare Mention of it does not alarm. This Danger we are therefore to obviate by vigorous Preparations, and unanimous Resolutions, nor do I doubt but both our Enemies, if they find us united, will repent of attacking us.

' Sir, the most efficacious Method of manning our Fleets, which Law or Custom has yet put into our Hands, is that of suspending our Commerce by an Embargo, and yet the whole Nation knows how much and by what Means it has been eluded; no sooner was it known that an Embargo was laid, than the Sailors flew away into the Country, or hid themselves in Corners of this great City, as from the most formidable Danger; and no sooner did the Embargo cease, than the Banks of the Rivers were again crowded with Sailors, and all the trading Vessels were immediately supplied.

' As I cannot doubt, Sir, that every Gentleman is equally zealous for the Success of the War, and for the Prosperity of his Country; and as the Insufficiency of the present Methods of providing for them is apparent, I hope that either the Regulations proposed by this Bill, to which I see no important Objections, or some other of equal Use, will be established by a general Concurrence.'

Lord Baltimore.

SIR,

Lord  
Baltimore.

' Though no Gentleman in this House can more ardently wish the Success of the British Arms, or shall more willingly concur in any Measures that may promote it, yet I cannot agree to the Clause now under our Consideration. I disapprove it both from moral and political Motives; I disapprove it as neither just nor prudent.

' The Injustice of so flagrant an Invasion of the Liberty of particular Men has been already exposed; nor is it, in my Opinion, less easy to discover the Imprudence of exhausting  
all

all our Supplies at once, and sweeping away all our Sailors, to supply a single Exigency. Anno 14, Geo II. 1740.

‘ It has often been remarked, Sir, in Favour of a Standing Army, that it is requisite to have a Number of regular Forces, who, though too weak to oppose an Invasion, might be able to establish Discipline in a larger Body. An Observation which may, with much greater Justness, be applied to the Seamen, whose Art is much more difficult to be attained, and who are equally necessary in War and Peace.

‘ If our Stock of Seamen, Sir, be destroy’d, if there is not left in our trading Vessels a sufficient Number of experienc’d Artificers to initiate Novices, and propagate the Profession, not only our Ships of War must lie useless, but our Commerce sink to nothing.

‘ Nor have I reason to believe the Naval Power of France so formidable, as that we ought to be terrify’d, by the Apprehensions of it, into any extraordinary Methods of Procedure. I am informed that they have now very few Ships of Force left in their Harbours; and that they have exerted their whole Strength in the American Fleet.

‘ I am not, therefore, Sir, for providing against present Dangers, without Regard to our future Security; and think nothing more worthy of the Consideration of this Assembly, than the Means of encouraging and increasing our Seamen, which will not be effected by the Bill before us.

‘ Land Forces may be hired upon Emergencies; but Sailors are our own peculiar Strength, and the Growth of our own Soil; we are therefore above all other Regards to attend, if I may use the Term, to the Preservation of the Species.’

Mr. Viner.

Sir,

‘ As there can be no stronger Objection to any Law than Mr. Viner. Ambiguity, or indeterminate Latitude of Meaning, I think it necessary to propose, that some Word of known and limited Import, be substituted in the Place of Sea-faring Men; an Expression which, if I was asked the Meaning of it, I should find it difficult to explain.

‘ Are Sea-faring-Men those only who navigate in the Sea? The Term is then superfluous, for all such are evidently comprized in the Word Seamen. Are they Bargemen or Watermen who ply on Rivers, and transport Provision or Commodities from one Inland Town to another? In that Sense no body will affirm that it is a proper Word; and Improprieties in the Expression of Laws produces Uncertainty in the Execution of them.’

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Captain Cornwall.

Capt. Corn-  
wall.

S I R,

‘ The Term Sea-faring Men, of which an Explication is desired, is intended to include all those who live by conveying Goods or Passengers upon the Water, whether the Sea or Inland Rivers: Nor can we restrain it to a narrow Sense, without exempting from the public Service great Numbers, whose manner of Life has qualified them for it, and from whom their Country may with equal Justice expect Assistance, as from those who are engaged in foreign Traffic.’

Mr. Viner.

S I R,

Mr. Viner.

‘ I am far from concurring with the Honourable Gentleman in his Opinion, that the Inland Watermen are, by their Profession, in any degree qualified for Sea-Service, or can properly be called Sea-faring-Men.

‘ All Qualifications for the Service must consist either in some Knowledge of the Arts of Navigation, or in some Familiarity with the Dangers of the Sea. With regard to any previous Knowledge of naval Business, it is well known that they have no Advantage over any common Labourer; for the manner of navigating a Ship and a Barge have for the most part nothing in common.

‘ Nor are these Watermen, Sir, more able to stand firm in the Terrors of the Storm, or the Noise of a Battle, than those who follow any other Occupation. Many of them never saw the Sea, nor have less Dread of its Danger than the other Inhabitants of the Inland Countries. They are therefore neither Sea-faring-Men, nor peculiarly capable of being made Seamen.

‘ But the Hardship upon particular Men is not the strongest Objection to this Clause, which, by obstructing our Inland Navigation, may make our Rivers useless, and set the whole Trade of the Nation at a stand. For who will bring up his Son a Waterman, who knows him exposed by that Profession to be impressed for a Seaman?

‘ It seems therefore necessary, Sir, either to omit the Term Sea-faring-Men, or to explain it in such a manner that Inland Watermen may not be included.’

Lord Gage.

S I R,

Lord Gage.

‘ So much has been urged against the compulsive Methods proposed in this Clause, and so little produced in favour of them, that it may seem superfluous to add any thing,  
or

or to endeavour, by a multiplicity of Arguments, to prove what common Reason must immediately discover. But there is one Consequence of this Clause which has not yet been observed, and which is yet too important not to be obviated by a particular Proviso. Anno 14, Geo. II. 1740.

• It is well known, Sir, that many of those to whom this Act will extend, are Freeholders and Voters for electing the Representatives of the Nation; and it is therefore apparent, that Elections may be influenced by an ill-timed or partial Execution of it. How easy will it be when an Election approaches to raise a false Alarm, to propose some secret Expedition, or threaten us with an Invasion from some unknown Country, and to seize on all the Sea-faring Voters whose Affections are suspected, and confine them at Spithead till the Contest is over.

• I cannot therefore, Sir, but think it necessary, that if this Clause be suffered to pass, some Part of its hateful Consequences should be prevented by an Exception in favour of Freeholders and Voters, which surely is no less than what every Man owes to his own Security, to the Welfare of his Country, and to those by whom he has been honoured with the Care of their Liberties.'

Mr. Pelham.

S I R,

• I do not rise in Opposition to the Proposal made by that Right Honourable Member, nor do I think this the proper Time either for opposing or approving it. Method is of the highest Importance in Enquiries like these; and if the Order of the Debate be interrupted by foreign Questions or incidental Objections, no Man will be able to consider the Clauses before us with the Attention necessary to his own Satisfaction, or to the Conviction of others; the Mind will be diffused by a Multiplicity of Views, and nothing can follow but Perplexity and Confusion.

Mr. Pelham.

• The great End, Sir, for which we are now assembled, is to strike out Methods of manning the Fleet with Expedition and Certainty. It is therefore proper in the first Place to agree upon some general Measures, to each of which there may undoubtedly be particular Objections raised, that may be afterwards removed by Exceptions or Provisions; but these Provisions should, for the sake of Order, be inserted in particular Clauses, to be separately considered.

• Of this kind is the Exception now offered, to which I have no Objection but its present Impropriety, and the Interruption of the Debate which it may now occasion; for I see

Anno 14, Geo. II. 1740. see at present no Reason against admitting it in a particular Clause.

‘ When it is considered how much the Success of the War may depend upon the Success of our present Undertakings, I hope my Sollicitude for Regularity and Expedition will be easily excused.’

Sir John Hind Cotton.

S I R,

Sir John Hind Cotton. ‘ I am not able to discover any imminent Danger to the Nation in suspending our Attention to the Clause before us for a few Moments; nor indeed do we cease to attend to it, while we are endeavouring to mollify it, and adapt it to our Constitution.

‘ The Exception proposed is, in the Opinion of the Honourable Gentleman, so reasonable, that he declares himself ready to approve it in another Place; and to me, no Place seems more proper of its making Part of this Bill than this. As a Connection between the Clause and Exception appears necessary and immediate, I cannot see why it should be postponed, unless it is hoped that it may be forgotten.’

Mr. Pulteney.

S I R,

Mr Pulteney. ‘ That this Exception should be forgotten there is no Danger; for how long soever it be delayed, I will never agree to the Act till I see it inserted. If we suffer the Liberty of the Freeholders to be infringed, what can we expect but to be charged with betraying our Trust, and giving up to Servitude and Oppression those who deputed us to this Assembly, as the Guardians of their Privileges, and the Assertors of their Birthright; a Charge too justly to be denied, and too atrocious to be borne!

‘ Sir, the Right of a Freeholder is independent on every other Circumstance, and is neither made more or less by Wealth or Poverty: The Estate, however small, which gives a Right of voting, ought to exempt the Owner from every Restraint that may hinder the Exertion of his Right; a Right on which our Constitution is founded, and which cannot be taken away without subverting our whole Establishment.

‘ To overlook the Distinctions which the fundamental Laws of our Country have made in respect to different Orders of Men, and to regard only the Accidents of Affluence and Necessity, is surely unjust in itself, and unworthy of this Assembly; an Assembly, Sir, instituted principally to protect the Weak against the Strong, and deputed to represent those in

a collective State, who are not considerable enough to appear singly, and claim a Voice in the Legislature. Anno 14, Geo. II. 1740.

‘ To expose an honest, a laborious, and an useful Man, to be seized by the Hands of an insolent Officer, and dragged from the Enjoyment of his Right, only because he will not violate his Conscience, and add his Voice to those of Sy-cophants, Dependants and Prostitutes, the Slaves of Powe, the Drudges of a Court, and the Hirelings of a Faction, is the highest degree of Injustice and Cruelty. Let us rather, Sir, sweep away with an Impress, the Drones of large Fortunes, the Tyrants of Villages, and the Oppressors of the Poor; let us oblige those to serve their Country by Force, whose Fortunes have had no other Effect than to make them insolent and worthless; but let such who by contributing to Commerce, make every Day some Addition to the public Wealth, be left in the full Enjoyment of the Rights which they deserve: Let those by whose Labour the Expences of the War are furnish’d, be excused from contributing to it by personal Service.

‘ If it is necessary, Sir, to have our Laws establish’d by the Representatives of the People, it is necessary that those Representatives should be freely elected; and therefore every Law that obstructs the Liberty of Voters, is contrary to the fundamental Laws of our Constitution; and what Multitudes may by this Law be either hindred from giving their Votes, or be terrified into such a Choice as by no means corresponds with their Judgments or Inclinations, it is easy to foresee.

‘ I am indeed of Opinion, Sir, that this Clause cannot be adapted to our Constitution, nor modified by any Expedient into a Law, which will not lay insupportable Hardships upon the Nation, and make Way for absolute Power. But, as it is necessary that a constant Supply of Seamen should be provided, I think it not improper to observe, that there is one Expedient yet remaining, by which, tho’ it will not much assist us in our present Exigence, the Fleets of this Nation may hereafter be constantly supported.

‘ We have at present great Numbers of Charity-Schools establish’d in this Nation, where the Children of the Poor receive an Education disproportion’d to their Birth. This has often no other Consequences than to make them unfit for their Stations by placing them, in their own Opinion, above the Drudgery of daily Labour, a Notion which is too much indulg’d; as Idleness co-operating with Vanity, can hardly fail to gain the Ascendant, and which sometimes prompts them to support themselves by Practices not only useless but pernicious

Anno 14, Geo.  
II 1740.

pernicious to Society. This Evil, Sir, cannot be better obviated than by allotting a reasonable Proportion out of every School to the Service of the Sea, in which by entering early they cannot fail to become Proficients, and where their Attainments, which at present too frequently produce Laziness and Dishonesty, might enable them to excel, and entitle them to Promotion.

Mr. Winnington.

SIR,

Mr. Winnington.

Notwithstanding the Confidence with which some Gentlemen have proposed this Amendment, and the Easiness with which others have consented to it, I declare without Hesitation, that I oppose it now, and intend to oppose it whenever it shall be offered, because it will defeat all the other Provisions which shall be made in the Bill.

I will venture to say, Sir, that if every Man who has, by whatever Tenure, the Right of voting shall be exempted from the Necessity of contributing to the public Safety by his personal Service, every Man qualified for the Sea will by some Means acquire a Vote.

Sir, a very small Part of those who give their Votes in this Nation, enjoy that Right as the Appendage of a Freehold; to live in some Towns, and to be born only in others, gives the unalienable Privilege of voting. Any Gentleman to secure his own Interest, or obstruct the public Service, may, by dividing a small Piece of barren Ground among a Hundred Sailors, exalt them all to Freeholders, and exempt them from the Influence of this Law.

However, Sir, I am not less a Friend to the Freeholders, than those who propose the Exception in their Favour, but in my Opinion the great Interest of the Freeholders is the Preservation of their Freeholds, which can only be secured by a vigorous Exertion of the Power of the Nation, in the War which is now declared against the Spaniards.

Lord Barrington.

SIR,

Lord Barrington.

By the Observations which I have Opportunities of making at the Place which I have the Honour to represent, I am convinc'd of the Influence that this Law will have upon all the Boroughs along the Coasts. There most of the Voters are, in one Sense or other, Sea-faring Men, being almost all of them Owners of Vessels, and in some Degree acquainted with Navigation; they may therefore be hurried away at the Choice of an officious or oppressive Magistrate, who may, by Partiality and Injustice, obtain a Majority, contrary to the general

neral Inclination of the People, and determine the Election Anno 14, Geo.  
by his own Authority. II. 1740.

Sir William Yonge.

S I R,

' If every Freeholder and Voter is to be exempted from Sir William the Influence of the Law, the Bill that we are, with so much Yonge. Ardor, endeavouring to draw up and rectify, and of which the Necessity is so generally acknowledged, will be no other than an empty Sound, and a Determination without an Object; for while we are empowering the Government to call Seamen into the Service, we are exempting almost all that are able to serve from the Denomination of Seamen: What is this but to dispute without a Subject? to raise with one Hand and demolish with the other?

' In the Western Parts of the Nation. Sir, where I reside, many who vote at Elections claim their Privilege by no other Title than that of boiling a Pot; a Title which he who has it not, may easily obtain, when it will either gratify his Laziness or his Cowardice, and which, tho' not occasionally obtained, seems not sufficient to set any Man out of the Reach of a just and necessary Law.

' It is therefore, Sir, undoubtedly requisite that the Terms of the Exception should be explicate and definitive, and that only those should be exempted who have such Possessions or Qualifications as this Assembly shall think a just Title to Exemption. For on the Western Coast, from whence great Supplies may be expected, almost every Sailor has a Vote, to which nothing is there required, but to hire a Lodging and boil a Pot; after which, if this Exception be admitted in all its Latitude, he may sit at Ease amidst the Distresses of his Country, ridicule the Law which he has eluded, and set the Magistrate at open Defiance.'

Sir Robert Walpole.

S I R,

' As I think, Sir, some Exception may be just and proper, Sir Robert so I suppose every Gentleman will concur with me in reject- Walpole ing one of such Extent as shall leave no Object for the Operation of the Law.

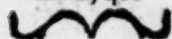
' It is in my Opinion proper to restrain the Exemption to those Freeholders who are possessors of such an Estate, as gives a Vote for the Representative of the County, by which those whose Privilege arises from their Property, will be secured, and it seems reasonable that those who have Privileges without Property, should purchase them by their Services.'

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Mr,

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Mr. Brown.

Mr. Brown.

S I R,

‘ The Exception proposed will not only defeat the End of the Bill by leaving it few Objects, but will obstruct the Execution of it on proper Occasions, and involve the Magistrate in Difficulties which will either intimidate him in the Exertion of his Authority, or if he persists in discharging his Duty with Firmness and Spirit, will perhaps oblige him sometimes to repent of his Fidelity.

‘ It is the necessary Consequence, Sir, of a Seaman’s Profession, that he is often at a great Distance from the Place of his legal Settlement, or patrimonial Possessions; and he may therefore assert of his own Circumstances what is most convenient without Danger of Detection. Distance is a Security that prompts many Men to Falshood by which only Vanity is gratified, and few Men will tell Truth in Opposition to their Interest, when they may lie without Apprehension of being convicted.

‘ When therefore a Magistrate receives Directions to impress all the Seamen within his District, how few will he find who will not declare themselves Freeholders in some distant Country, or Freemen of some obscure Borough. It is to no Purpose, Sir, that the Magistrate disbelieves what we cannot confute; and if in one Instance in a Hundred, he should be mistaken, and, acting in Consequence of his Error, force a Freeman into the Service, what Reparation may not be demanded?

‘ I therefore propose it to the Consideration of the Committee, whether any Men ought to claim Exemption from this Law by a Title, that may so readily be procur’d, or so safely usurped.’

Mr. Attorney General Ryder.

S I R,

Mr. Ryder.

‘ The Practice of impressing, which has been declaimed against with such vehement Exaggerations, is not only founded on immemorial Custom, which makes it Part of the common Law, but is likewise establish’d by our Statutes; for I remember to have found it in the Statutes of Queen Mary, and therefore cannot allow that it ought to be treated as illegal, and anti-constitutional.

‘ That it is not inconsistent with our Constitution, may be proved from the Practice of erecting the Royal Standard, upon great Emergencies, to which every Man was obliged immediately to repair: This Practice is as old as our Constitution,

on, and, as it may be revived at Pleasure, may be properly mentioned as equivalent to an Impress.<sup>o</sup> Anno 14, Geo. II. 1740.

Mr. Viner.

S I R,

' This Word, which the learned Member has, by his wonderful Diligence, discover'd in the Statutes, may perhaps be there, but in a Signification far different from that which it bears at present. The word is, without Doubt, originally French, *Prêt*, and imply'd what is now expressed by the Term Ready; and to impress any Man was in those Days only to make him ready, or engage him to hold himself in Readiness, which was brought about not by Compulsion, Pursuit, and Violence, but by the Allurements of a pecuniary Reward, or by the Obligation of some antient Tenure.' Mr. Viner.

This Debate ended in a Report, That they had made some Progress, and desired leave to sit again.

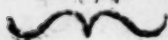
The 5th. Read a first time, a Bill for continuing an Act 7th of King George II. to explain a former Act 11th of King George I. for the better regulating the Manufacture of Cloth in the West-Riding of Yorkshire, and for making the said Acts more effectual.

Received a Petition of divers Merchants, Exporters of the Woollen and British Manufactories and Fisheries; as likewise Owners and Masters of Ships concerned in the Navigation of these Ships to foreign Parts; also those concerned in the Coal and Coasting-Trade, in behalf of themselves and others, complaining of the unreasonable Wages demanded, and paid to Mariners in the Merchant's Service of late, which is more than double of what is paid by any foreign Nation in Europe, (besides Crimpage, and a Month's Pay advanced to each Mariner) to the Discouragement of the Trade of these Kingdoms: And representing to the House, that this growing Evil, if not prevented by a Law, will hinder the Mariners from ever entering themselves on board the Ships of War, while the Disproportion of Wages paid to Mariners in the King's Service, and that of the Merchant is so great; the Wages paid to Mariners in the King's Service being about 23s. and with other Advantages about 28s. per Month, when the Mariners in the Merchant's Service are paid, and demand 55s. and 3l. per Month: And further representing, that as the Petitioners apprehend the present Practice carried on in impressing Mariners from on board the Homeward-bound Merchant Ships, and from the Shore, does not answer the End proposed; and that a great many Persons make it their

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Business

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Business to seduce and encourage Mariners to act contrary to the Intent of an Act 1st of King George II. *for the better Regulation of Mariners in the Merchant's Service*; And further, complaining of vexatious Suits carried on against the Masters and Owners of Ships, by the Advice of Practitioners in the High Court of Admiralty: And further setting forth, that the Act of Navigation obliges every Ship to carry three Fourths English Mariners, which will be again in force when the present War is over; but that as they often in foreign Ports enter, or are entered on board his Majesty's Ships, it is impossible to comply with the said Act, and the Merchant-Ships are liable to become a Seizure even to the very Man of War who has taken their Men from them: And therefore praying the House to permit them to be heard by themselves or Counsel upon the said Petition; and to grant that such Provision may be made in future, by regulating the Price of Mariner's Wages in the Merchant's Service, and to prevent such growing Abuses practised by those under the Sanction of the High Court of Admiralty, in order effectually to man his Majesty's Ships of War without impressing, and to encourage the Trade and Navigation of these Kingdoms, as to the House shall seem meet: Ordered to lie on the Table.

Votes relating  
to the Exportation of  
Wool.

In a grand Committee, took into Consideration the several Petitions concerning the Decay of the Woollen-Manufactory, &c. and reported the Resolutions concerning the same, viz. Resolved, That the Exportation of Wool from Great-Britain and Ireland to foreign Parts, is greatly prejudicial to the Woollen-Manufactures of this Kingdom.

Resolved, That the Laws now in being are not sufficient to prevent the Exportation of Wool from Great-Britain and Ireland to foreign Parts.

Resolved, That a public Register of Wool grown in Great-Britain and Ireland, is the most effectual Method for preventing the Exportation thereof to foreign Parts: Which was agreed to by the House; After which the House resolved to address his Majesty, That he would be pleased to direct the Commissioners for Trade and Plantations, during the Recess of Parliament, to prepare a Scheme for the registering the Wool of Great-Britain and Ireland, to be laid before this House the next Session of Parliament.

Ordered, That a Bill be brought in for the Improvement of the Manufacture of Woollen Broad Cloth, and to prevent Abuses in the making of the same.

Farther Proceedings on  
the Seamen's  
Bill.

The 6th. In a grand Committee, made a further Progress on the Bill for the Encouragement of Seamen, and for the better and speedier manning his Majesty's Fleet.

The

The 9th. In a grand Committee, on the Bill for the Encouragement of Seamen, a Clause was read, by which every Constable, Headborough, Tything-man, or other Person, was liable to be examined upon Oath by the Justices of the Peace, who were empowered to lay a Fine upon them for any Neglect, Offence, or Connivance; after which Sir John Barnard spoke to the following Effect:

Anno 14, Geo.  
II. 1742.

SIR,

• It is the peculiar Happiness of the British Nation, that no Law can be made without the Consent of their Representatives; and I hope no such Infatuation can ever fall upon them, as may influence them to chuse a Representative capable of concurring in Absurdities like this.

Sir John  
Barnard.

• The Folly, the Iniquity, the Stupidity of this Clause, can only be conceived by hearing it repeated; it is too flagrant to be extenuated, and too gross to admit Exaggerations; to oblige a Man to make Oath against himself, to subject himself by his own Voice to Penalties and Hardships, is at once cruel and ridiculous; a wild Complication of Tyranny and Folly.

• To call upon any Man to accuse himself, is only to call upon him to commit Perjury, and has therefore been always accounted irrational and wicked; in those Countries where it is practised, the Confession is extorted by the Rack, which indeed is so necessary on such Occasions, that I should not wonder to hear the Promoters of this Clause openly declaring for the Expediency of Tortures.

• Nothing is more evident than that this Bill, however the Importance of the Occasion may be magnified, was drawn up without Reflection, and that the Clauses were never understood by those that offered them; Errors like these must arise only from Precipitation and Neglect, for they are too gross to be committed either by Ignorance or Design.

• To expose such Absurdities is indeed easy, but not pleasing; for what End is answered by pointing at Folly, or how is the public Service advanced by shewing that the Methods proposed are totally to be rejected? Where a Proposition is of a mixed kind, and only erroneous in Part, it is an useful and no disagreeable Task to separate Truth from Error, and disentangle from ill Consequences, such Measures as may be pursued with Advantage to the Public; but mere Stupidity can only produce Compassion, and afford no Opportunities for Enquiry or Dispute.

Sir

Ann<sup>d</sup> 14, Geo.  
II. 1740

Sir Charles Wager.

Admiral  
Wager.

S I R,

‘ This Clause however contemptuously treated, has been already passed into a Law by a Parliament which brought no Dishonour upon the British Nation, by a Parliament which was courted and dreaded by the greatest Part of the Universe, and was drawn up by a Ministry that have given their Posterity no Reason to treat them with Derision and Contumely.

‘ In the Reign of Queen Anne, this Method of Proceeding was approved and established, and we may judge of the Propriety of the Measures followed in that War, by the Success which they procured.

‘ Those therefore by whom this Bill was drawn up have committed no new Absurdities, nor have proposed any Thing which was not enacted by the wisest of our Predecessors, in one of the most illustrious Periods of our History.’

Mr. Gibbon.

S I R,

Mr. Gibbon.

‘ I am far from thinking a Proposition sufficiently defended by an Assertion that it was admitted by our Predecessors, for, tho’ I have no Inclination to vilify their Memory, I may, without Scruple, affirm that they had no Pretensions to Infalibility, and that there are in many of our Statutes Instances of such Ignorance, Credulity, Weakness, and Error, as cannot be consider’d without Astonishment.

‘ In Questions of an abstruse and complicated Nature, it is certain, Sir, that Experience has taught us what could never have been discovered, previously, by the Wisdom of our Ancestors; and we have found by their Consequences the Impropriety of many Practices which they approved, and which we should have equally applauded in the same Circumstances.

‘ But to what Purpose is Observation, if we must shut our Eyes against it, and appeal for ever to the Wisdom of our Ancestors? if we must fall into Error, merely because they were mistaken, and rush upon Rocks out of Veneration to those who were wreck’d against them?

‘ In Questions easily to be examin’d, and Determinations which comprized no perplexing Contrarieties of Interest, or Multiplicity of Circumstances, they were equally liable with ourselves to be supine and negligent, to sink into Security, or be surprized by Haste. That the Clause now before us was enacted by them, must be ascribed merely to the Hurry of the Session in which it was brought before them. A Time in which so many Enquiries of the highest Importance were to be made, and so great a Diversity of Views to be regarded, that

that it is no Wonder that some Absurdities should escape without Detection. Anno 14, Geo II. 1740.

‘ In the Fourth of the Reign of the Queen, this Bill was brought in, as now, at the latter End of a Session, when the Attention of the House was fatigued and distracted, and it was hurried through both Houses, and ratified by her Majesty with very little Consideration.

‘ But then, as this Circumstance may be justly termed an Extenuation of their Error, it ought to be a Lesson of Caution to us, that we may not be, in the like manner, betrayed into the same Weakness.’

Mr. Pelham.

S I R,

‘ The Conduct of our Predecessors seems not to stand in need of any Excuse; for it might be easy to vindicate it by Arguments, but that it is more proper to approve it by Imitation. Mr. Pelham.

‘ Whenever the Bill was passed, or how hastily soever the Law was enacted, it was, I believe, rather the Effect of Necessity than of Inadvertency; of the same Necessity which now presses, and which is very ill consulted by tedious Debates.

‘ They were then involved in a War, and were not so distracted by private Interests as not to unite in the most vigorous Opposition of their Enemies. They knew that the public Good is often promoted by the temporary Inconveniences of Individuals; and, when Affairs of the highest Importance demanded their Attention, when the Security of the whole Nation and the Happiness of their Posterity were the Subject of their Enquiries, they wisely suffered less Considerations to pass without superfluous and unseasonable Sollicitude.

‘ How justly they reason’d, Sir, and what Vigour their Resolutions gave to the military Operations, our Victories are a sufficient Proof: And if Experience be the surest Guide, it cannot be improper to imitate those who, in the same Circumstances with ourselves, found Means to raise the Honour, and improve the Commerce of their Country.

‘ That our Circumstances are the same with those of the Parliament by which this Law was made, is obvious beyond Dispute; or where they vary, the Difference is perhaps to our Disadvantage. We have, Sir, the same Enemies, or, at least, have Reason to apprehend the same; but have little hope of the same Allies. The present War is to be carried on at a greater Distance, and in more Places at the same Instant; we cannot

Anno 14, Geo.  
II. 1740.

not therefore supply our Ships occasionally, but must raise great Numbers in a short Time.

‘ If therefore it was then concluded, that the Method under our Examination was useful; if Measures, not eligible in themselves, may be authorized by Necessity, why may not we, in Compliance with the same Exigence, have Recourse to the same Expedients?’

Sir William Yonge.

SIR,

Sir William  
Yonge.

‘ How much Weight is added to the Determination of the House, by the Dignity of their Procedure, and the Decency of their Disputations, a slight Knowledge of Mankind is sufficient to evince. It is well known that Government is supported by Opinion; and that he who destroys the Reputation, destroys the Authority of the legislative Power. Nor is it less apparent, that he who degrades Debate into Scurrility, and destroys the Solemnity of Consultation, endeavours to sink the House into Contempt.

‘ It was therefore, Sir, with Indignation and Surprise that I heard the Clause before us censur’d with such Indecency of Language, and the Authors of it treated with Contumelies and Reproaches that meer Error does not deserve, however apparent, but which were now vented before any Error was detected.

‘ I know not, Sir, why the Gentlemen who were thus indecently attack’d, have suffer’d such Reproaches without Censure and without Reply. I know not why they have omitted to put the Honourable Gentleman in Mind of the Respect due to this Assembly, or to the Characters of those whom he opposes; Gentlemen equally skill’d with himself in the Subject of our Enquiries; and whom his own Attainments, however large, or his Abilities, however comprehensive, cannot give him a Right to charge with Ignorance or Folly.

‘ To reproach Men with Incapacity is a cheap Method of answering their Arguments, but a Method which the Rules of this House ought to exclude from our Debates, as the general Civility of the World has banish’d it from every other Place of Concourse or Conversation.

‘ I, for my Part, Sir, shall always endeavour to confine my Attention to the Question before us, without suffering my Reason to be biassed, or my Enquiries diverted by low Altercations, or personal Animosities; nor when any other Man deviates into reproachful and contemptuous Language, shall I be induc’d to think more highly of either his Arguments or Capacity.’

Sir

Sir John Barnard.

Anno 14, Geo.  
II. 1745.

S I R,

I have always heard it represented as an Instance of Integrity when the Tongue and Heart move in Concert, when the Words are Representations of the Sentiments; and have therefore hitherto endeavoured to explain my Arguments with Perspicuity, and to impress my Sentiments with Force; I have thought it Hypocrisy to treat Stupidity with Reverence, or to honour Nonsense with the Ceremony of a Confutation. As Knavery so Folly that is not reclaimable, is to be speedily dispatched, Business is to be freed from Obstruction, and Society from Nuisance.

Sir John  
Barnard.

Nor, Sir, when I am censured by those whom I may offend by the Use of Terms correspondent with my Ideas, will I, by a tame and silent Submission, give Reason to suspect that I am conscious of a Fault, but will treat the Accusation with open Contempt, and shew no greater Reward to the Abettors, than to the Authors of Absurdity.

That Decency is of great Use in public Debates, I shall readily allow; it may sometimes shelter Folly from Ridicule, and preserve Villany from public Detestation; nor is it ever more carefully supported, than when Measures are promoted that nothing can preserve from Contempt, but the Solemnity with which they are established.

Decency is a proper Circumstance; but Liberty is the Essence of parliamentary Disquisitions: Liberty is the Parent of Truth; but Truth and Decency are sometimes at Variance: All Men and all Propositions are to be treated here as they deserve; and there are many who have no Claim either to Respect or Decency.

Mr. Winnington.

S I R,

That it is improper in its own Nature, and inconsistent Mr. Winnington.  
with our Constitution, to lay any Man under an Obligation to accuse himself, cannot be denied; it is therefore evident, that some Amendment is necessary to the Clause before us.

I have for this Reason drawn up an Amendment, Sir, which, if approved by the Committee, will, in my Opinion, remove all the Objections to this Part of the Bill, and by reconciling it with our natural and legal Rights. I hope, induce those to approve it who have hitherto opposed it.

I therefore propose that these Words should be substituted instead of those which are the Subject of the Debate, or some other to this Purpose; That no Person shall be liable to be

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fined

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fin'd by virtue of this Act, unless a Witness being examined shall make Oath of the Misdemeanour or Neglect.

‘ Thus the Necessity of examining Men upon Oath in their own Cause will be entirely taken away, and as the Clause will then stand, there will remain no Suspicion of Injustice, or Oppression, because none can be practis'd without the Concurrence of many Persons of different Interests.’

Mr. Horatio Walpole.

S I R,

Mr. Horatio  
Walpole.

‘ It does not yet appear that the Gentlemen who have engaged in this Debate have sufficiently attended to the Exigence of our Affairs, and the Importance of the Question. They have lavished their Oratory in declaiming upon the Absurdity of the Methods propos'd, and discovered their Sagacity, by shewing how future Navies may be supplied from Charity-Schools, but have substituted no Expedients in the Place of those which they so warmly condemn, nor have condescended to inform us, how we may now guard our Coasts, or man our Fleets for immediate Service.

‘ There are some Circumstances, Sir, of the present War, which make our Necessity of raising Sea Forces greater than in the Times of King William and Queen Anne. The chief Advantages that we gained over the French in their Wars, were the Consequences of our Victories by Land.

‘ At Sea, Sir, the Balance was almost equal, tho' the Dutch Fleet and ours were united; nor did they quit the Sea because their Fleets were destroyed, but because they were obliged to recruit their Land Forces with their Sailors. Should they now declare War against us, they would be under no such Necessity of defrauding the Sea Service, for they have now on foot an Army of 160,000 Men, which are maintained at no greater Expence than 40,000 by the British Government; as they are therefore, Sir, so formidable by Land, we have no way of opposing them but by our Sea Forces.

‘ Nor is their Navy so contemptible as some have either by Conjecture or Misinformation represented it. The Fleet which they have dispatched to America consists not of fewer than twenty Ships, of which the least carry sixty Guns, and they are fitting out now an equal Number in their own Ports; besides, their East-India Company is obliged to furnish ten Ships of the Line, at the Demand of the Government.

‘ Thus it appears we have Neighbours sufficiently powerful to alarm us with the Sense of immediate Danger; Danger which is made more imminent by the expeditious Method: by which

which the French man their Fleets, and which we must imitate if we hope to oppose them with Success.

Anno 14, Geo  
II. 1740.

• I need not say how little we can depend upon any Professions of Neutrality, which will be best observed when they cannot be securely violated ; or upon the pacific Inclination of their Minister ; which Interest, Persuasion or Caprice, may alter, and to which it is not very honourable to trust for Safety. How can that Nation sink lower, which is only free, because it is not invaded by its Neighbours ; and retains its Possessions, only because no other has Leisure or Inclination to take them away !

• If it be asked what can prompt the French to interrupt us in the Prosecution of our Designs, and in the Punishment of those who have plundered and insulted us ? It is not only easy to urge the strict Alliance between the two Crowns, the Ties of Blood, the Conformity of Interests, and their equal Hatred of the English, but another more immediate Reason may be added. It is suspected that under Pretence of vindicating our own Rights, we are endeavouring to gain the Possession of the Spanish Dominions, and engross the Wealth of the new World, and that therefore it is the Interest of every Power, whose Subjects traffic to those Countries, to oppose us.

• Thus, whether we succeed or fail in our Attempts on America, we have the French Power to apprehend. If we make Conquests, they may probably think it necessary to obviate the Torrent of our Victories, and to hinder the Increase of our Dominions, that they may secure their own Trade, and maintain their own Influence.

• If we should be defeated, of which no Man, Sir, can deny the Possibility, the Inclination of all to insult the Depressed, and to push down the Falling is well known ; nor can it be expected that our hereditary Enemies would neglect so fair an Opportunity of attacking us.

• How they might ravage our Coasts, and obstruct our Trade, how they might triumph in the Channel, and block us up in our own Ports, bombard our Towns, and threaten us with Invasions, I hope I need but barely mention, to incite this Assembly to such Dispatch in manning our Fleets, as may secure us at once from Insults, and from Terror.

• It is undoubtedly, Sir, in our Power to raise a naval Force sufficient to awe the Ocean, and restrain the most daring of our Enemies from any Attempts against us, but this cannot be effected by Harangues, Objections, and Disputations.

• There is nothing, Sir, more frequently the Subject of Raillery or Declamation, than the Usefulness or Danger of

Anno 14, Geo 2 Standing-Army, to which I declare myself no otherwise inclined than by my Concern for the common Safety: I willingly allow that not one Soldier ought to be supported by the Public, whose Service is not necessary; but surely none of those who declare so warmly for the Honour and Privileges of their Country, would expose it to the Insults of foreign Powers without Defence. If therefore they think the Danger of Land-Forces more than equivalent to the Benefit, they ought unanimously to concur in the Increase of our naval Strength, by which they may be protected, but cannot be oppressed: They ought willingly to give their Assistance to any Propositions for making the Fleet formidable, that their Declarations against the Army may not be thought to proceed from a Resolution to obstruct the Measures of the Government, rather than from Zeal for the Constitution. For he that equally opposes the Establishment of the Army, and the Improvement of the Navy, declares in Effect against the Security of the Nation; and tho', perhaps, without Design, exposes his Countrymen to the Mercy of their Enemies.'

Mr. Pulteney.

S I R,

Mr. Pulteney. 'I cannot discover for what Reason the Bill before us is so vigorously supported, but must observe that I have seldom known such vehement and continued Efforts produced by mere public Spirit, and unmingled Regard for the Happiness of the Nation. Nothing, Sir, that can be urged in favour of the Measures now proposed, has been omitted. When Arguments are confuted, Precedents are cited; when Precedents fail, the Advocates for the Bill have Recourse to Terror and Necessity, and endeavour to frighten those whom they cannot convince.

'But perhaps, Sir, these formidable Phantoms may soon be put to flight, and, like the other Illusions of Cowardice, disappear before the Light. Perhaps this Necessity will be found only chimerical; and these Dangers appear only the Visions of Credulity, or the Bugbears of Imposture.

'To arrive at a clear View of our present Condition, it will be necessary, Sir, not to amuse ourselves with general Assertions, or overwhelm our Reason by terrifying Exaggerations: Let us consider distinctly the Power and the Conduct of our Enemies, and enquire whether they do not fright us more than they are able to hurt us.

'That the Force of Spain alone, Sir, is much to be dreaded, no Man will assert; for that Empire, it is well known, has long been seized with all the Symptoms of declining

aligning Power, and has been supported, not by its own Strength, but by the Interests of its Neighbours. The vast Dominions of the Spaniards are only an empty Shew; they are Lands without Inhabitants, and by Consequence without Defence; they are rather, Excrescences than Members of the Monarchy, and receive Support rather than communicate. In the distant Branches of their Empire the Government languishes, as the vital Motion in an expiring Body; and the Struggles, which they now make, may be termed rather Agonies than Efforts.

From Spain therefore, unassisted, we have nothing to apprehend, and yet from thence we have been threatened with Insults and Invasions.

That the Condition of the French is far different, cannot be denied; their Commerce flourishes, their Dominions are connected, their Wealth increases, and their Government operates with full Vigour: Their Influence is great, and their Names formidable. But I cannot allow, Sir, that they have yet attained such a Height of Power as should alarm us with constant Apprehensions; or that we ought to secure ourselves against them by the Violation of our Liberties. Not to urge that the Loss of Freedom, and the Destruction of our Constitution, are the worst Consequences that can be apprehended from a Conquest; and that to a Slave the Change of his Master is of no great Importance, it is evident, that the Power of the French is of such kind as can only affect us remotely, and consequentially. They may fill the Continent with Alarms, and ravage the Territories of Germany by their numerous Armies, but can only injure us by means of their Fleets. We may wait, Sir, without a panic Terror, tho' not without some Degree of Anxiety, the Event of their Attempts upon the neighbouring Princes, and cannot be reduced to fight for our Altars and our Houses, but by a second Armada, which, even then, the Winds must favour, and a thousand Circumstances concur to expedite.

But that no such Fleet can be fitted out by the united Endeavours of the whole World; that our Navy, in its present State, is superior to any that can be brought against us, our Ministers ought not to be ignorant: And therefore to dispirit the Nation with Apprehensions of Armies hovering in the Air, and of Conquerors to be wasted over by supernatural means, is to destroy that Happiness which Government was ordained to preserve: to sink us to Tameness and Cowardice, and to betray us to Insults and to Robberies.

If our Danger, Sir, be such as has been represented, to whom must we impute it? Upon whom are our Weakness,

Anno 14, Geo.  
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ness, our Poverty, and our Miseries to be charged? Upon whom, but those who have usurped the Direction of Affairs which they did not understand, or which their Sollicitude for the Preservation of their own Power hindered them from attending?

• That the Spaniards, Sir, are now enabled to make Resistance, and perhaps to insult and depopulate our Colonies; that the French have dispatched a Fleet into the American Seas, to obstruct, as may be conjectured, the Progress of our Arms, and that we are in Danger of meeting an Opposition which we did not expect, is too evident to be concealed.

• But, Sir, is not the Spirit of our Enemies the Consequence rather of our Cowardice than of their own Strength? Does not the Opposition to our Designs, by whatever Nation it shall be made, arise from the Contempt which has been brought upon us by our Irresolution, Forbearance, and Delays? Had we resenting the first Insult, and repaired our earliest Losses by vigorous Reprizals, our Merchants had long ago carried on their Traffic with Security, our Enemies would have courted us with Respect, and our Allies supported us with Confidence.

• Our Negotiations, Treaties, Proposals, and Concessions, not only afforded them Leisure to collect their Forces, equip their Fleets, and fortify their Coasts, but gave them likewise Spirit to resist those who could not be conquered but by their own Cowardice and Folly. By our ill-timed Patience, and lingering Preparations, we encouraged those to unite against us, who would otherwise have only hated us in secret; and deterred those from declaring in our Favour, whom Interest or Gratitude might have inclined to assist us. For who will support those from whom no mutual Support can be expected? And who will expect that those will defend their Allies, who desert themselves?

• But, Sir, however late our Resentment was awakened, had the War been prosecuted vigorously after it was declared, we might have been now secure from Danger, and freed from Suspence, nor would any thing have remained but to give Laws to our Enemies.

• From the Success of Vernon, with so inconsiderable Forces, we may conjecture what would have been performed with an Armament proportioned to his Undertaking; and why he was not better supplied, no Reason has yet been given; nor can it be easily discovered why we either did not begin the War before our Enemies had concerted their Measures, or delay it till we had formed our own.

• Notwithstanding some Opportunities have been neglected, and all the Advantages of a sudden Attack have been irrecoverably

verably lost; notwithstanding our Friends, Sir, have learned to despise and neglect us, and our Enemies are animated to Confidence and Obstinacy, yet our real and intrinsic Strength continues the same; nor are there yet any Preparations made against us by the Enemy, with Views beyond their own Security and Defence. It does not yet appear, Sir, that our Enemies, however insolent, look upon us as the proper Objects of a Conquest, or that they imagine it possible to besiege us in our own Ports, or to confine us to the Defence of our own Country. We are not therefore to have Recourse to Measures, which, if they are ever to be admitted, can be justified by the utmost Distress; and can only become proper, as the last and desperate Expedient. The Enemy, Sir, ought to appear not only in our Seas, but in our Ports, before it can be necessary that one Part of the Nation should be enslav'd for the Preservation of the rest.

Anno 14, Geo.  
II. 1740.

' To destroy any Part of the Community, while it is in our Power to preserve the whole, is certainly absurd, and inconsistent with the Equity and Tendernefs of a good Government: And what is Slavery less than Destruction? What greater Calamity has that Man to expect, who has been already deprived of his Liberty, and reduced to the Level with Thieves and Murderers? With what Spirit, Sir, will he draw his Sword upon his Invaders, who has nothing to defend? Or why should he repel the Injuries which will make no Addition to his Misery, and will fall only on those to whom he is enslav'd?

' It is well known that Gratitude is the Foundation of our Duty to our Country, and to our Superiors, whom we are obliged to protect on some Occasions, because upon others we receive Protection from them, and are maintain'd in the quiet Possession of our Fortunes, and the Security of our Lives. But what Gratitude is due to his Country from a Man distinguish'd without a Crime by the Legislature, from the rest of the People, and mark'd out for Hardships and Oppressions? From a Man who is condemn'd to Labour and to Danger, only that others may fatten with Indolence, and slumber without Anxiety? From a Man who is dragged to Misery without Reward, and hunted from his Retreat, as the Property of his Master?

' Where Gratitude, Sir, is not the Motive of Action, which may easily happen in Minds not accustom'd to observe the Ends of Government and Relations of Society, Interest never fails to preside, which may be distinguish'd from Gratitude, as it regards the immediate Consequences of Actions, and confines the View of present Advantages. But what Interest can be gratified by a Man who is not Master of his own Actions,

Anno 14, Geo.  
II 1740.

Actions, nor secure in the Enjoyment of his Acquisitions? Why should he be solicitous to increase his Property, who may be torn from the Possession of it in a Moment? Or upon what Motive can he act, who will not become more happy by doing his Duty?

Many of those, to whom this Bill is propos'd to extend, have rais'd Fortunes at the Expence of their Ease, and at the Hazard of their Lives; and now sit at Rest, enjoying the Memory of their past Hardships, and inciting others to the Prosecution of the same Adventures: How will it be more reasonable to drag these Men from their Houses, than to seize any other Gentleman upon his own Estate? And how negligently will our Navigation and our Commerce be promoted, when it is discover'd that either Wealth cannot be gain'd by them; or, if so gain'd, cannot be enjoy'd?

But it is still urged, Sir, that there is a Necessity of manning the Fleet; a Necessity which indeed cannot totally be denied, tho' a short Delay would produce no frightful Consequences, would expose us to no Invasions, nor disable us from prosecuting the War. Yet, as the Necessity at least deserves the Regard of the Legislature, let us consider what Motives have hitherto gain'd Men over to the public Service; let us examine how our Land-Forces are rais'd, and how our Merchants equip their Ships. How is all this effected without Murmurs, Mutinies, or Discontent, but by the natural and easy Method of offering Rewards?

It may be objected, Sir, that Rewards have been already propos'd without Effect; but, not to mention the corrupt Arts which have been made use of to elude that Promise, by rejecting those that came to claim them, we can infer from their Inefficacy only, that they were too small; that they were not sufficient to dazzle the Attention, and withdraw it from the Prospect of the distant Advantages which may arise from the Service of the Merchants. Let the Reward therefore be doubled, and if it be not then sufficient, doubled anew. There is nothing but may be bought, if an adequate Price is offered; and we are therefore to raise the Reward till it shall be adjudged by the Sailors equivalent to the Inconveniencies of the Service.

Let no Man urge that this is Profusion; that it is a Breach of Trust, and a Prodigality of the public Money. Sir, the Money thus paid is the Price of Liberty; it is disbursed to hinder Slavery from encroaching, to preserve our natural Rights from Infraſſion, and the Constitution of our Country from Violence. If we vote away the Privilege of one Class among us, those of another may quickly be demanded;

maided; and Slavery will advance by degrees, till the last Remains of Freedom shall be lost. Anno 14, Gen. II. 1740.

‘ But perhaps, Sir, it will appear, upon Reflection, that even this Method needs not to be practised. It is well known, that it is not necessary for the whole Crew of a Ship to be expert Sailors; there must be some Novices, and many whose Employment has more of Labour than of Art. We have now a numerous Army which burthens our Country, without defending it, and from whom we may therefore draw Supplies for the Fleet, and distribute them amongst the Ships in just Proportions; they may immediately assist the Seamen, and will become able in a short Time to train up others.

‘ It will doubtless, Sir, be objected to this Proposal, that the Continent is in Confusion, and that we ought to continue such a Force as may enable us to assist our Allies, maintain our Influence, and turn the Scale of Affairs in the neighbouring Countries. I know not how we are indebted to our Allies, or by what Ties we are obliged to assist those who never assisted us; nor can I, upon mature Consideration, think it necessary to be always gazing on the Continent, watching the Motions of every Potentate, and anxiously attentive to every Revolution. There is no end, Sir, of obviating Contingencies, of attempting to secure ourselves from every Possibility of Danger. I am indeed desirous that our Friends, if any there be that deserve that Name, should succeed in their Designs, and be protected in their Claims; but think it ought always to be remembered, that our own Affairs affect us immediately, theirs only by Consequence; and that the nearest Danger is to be first regarded.

‘ With respect to the Amendment offer’d to this Clause, I cannot see that it will produce any Advantage, nor think any Evidence sufficient to justify the Breach of our Constitution, or subject any Man to the Hardship of having his Dwelling enter’d by Force.

‘ And, Sir, I am not entirely satisfied of the Impartiality and Equity with which it is promised that this Law will be put in Execution, or what new Influence is to co-operate with this Law, by which Corruption and Oppression will be prevented.

‘ It is well known, Sir, that many other Laws are made ineffectual by Partiality or Negligence, which remarkably appears by the immense Quantities of Corn that are daily carried into foreign Countries, by illegal Exportations, by which Traffic I am informed that we obtain most of our foreign Gold, which in Reality is paid us for Corn by the Dutch; tho’ it is studiously represented to the Nation as gained by our Traffic with Portugal, who can assure us that

Anno 14, Geo.  
II. 1745.

this Law will not be perverted after the Example of others And that there will not be Wretches found that may employ it to the Extortion of Money, or the Gratification of Revenge?

Thus, Sir, I have shewn by what Means our Fleet may now be equipped, and how a Supply of Sailors may be perpetuated; for I cannot think how the Boys which are educated at Charity Schools can be more properly employed; a Proportion may be easily selected for the Service, who will benefit the Public much more than by serving Sharpers and Attornies, and pilfering either at low Gaming-Houses, or in the Inns of Court.

Since therefore is it not pretended, Sir, that this Bill can be justified otherwise than by Necessity, and it appears that Supplies may be raised by other Means; since instead, of increasing and encouraging Seamen, nothing is proposed that does not manifestly tend, by depressing and harrassing them, to diminish their Numbers; I think it reasonable to declare that I shall continue to oppose it, and hope that every Friend of Liberty, or Commerce, will concur in the Opposition.

Sir Robert Walpole.

SIR,

Sir Robert  
Walpole

I have consider'd the Bill before us with the utmost Impartiality, and I can see no Reason to apprehend that it will produce such universal Discontent, and give Occasion to so many Abuses as the Honourable Gentlemen by whom it is opposed, appear to suspect. It is not uncommon, Sir, in judging of future Events, and tracing Effects from Causes, for the most Sagacious to be mistaken.

The safest Method of conjecturing upon the future, is to consider the past, for it is always probable, that from like Causes like Consequences will arise. Let us therefore, Sir, examine what Injustice or Oppression has been hitherto produc'd by Laws of the same Kind.

The Power of Searching, however it is now become the Subject of loud Exclamation, and pathetic Harangues, is no new Invasion of the Rights of the People, but has been already granted in its utmost Extent; for an end of no greater Importance than the Preservation of the Game: This formidable Authority has been already trusted to the Magistrate, and the Nation has been already subjected to this insupportable Tyranny, only lest the Hares and Partridges should be destroyed, and Gentlemen be obliged to disband their Hounds, and dismiss their Setting-Dogs.

Yet, Sir, even with regard to this Power, thus exorbitant, and thus lightly granted, I have heard no general Complaints

plaints, nor believe that it is look'd upon as a Grievance by any, but those whom it restrains from living upon the Game, and condemns to maintain themselves by a more honest and useful Industry. Anno 14, Geo: 11. 1740.

‘ I hope, Sir, those that think this Law for the Preservation of their Amusement rational and just, will have at least the same Regard to the Defence of their Country, and will not think their Venison deserves greater Sollicitude, than their Fortunes and their Liberties:

‘ Nor is it difficult, Sir, to produce Instances of the Exercise of this Power for the End which is now proposed, without any Consequences that should discourage us from repeating the Experiment. I have now in my Hand a Letter, by which the Mayor and Aldermen of Bristol are empowered to seize all the Sailors within the Bounds of their Jurisdiction, which Order was executed without any Outcries of Oppression, or Apprehensions of the Approach of Slavery.

‘ That this Law, Sir, will be always executed with the strictest Impartiality, and without the least Regard to any private Purposes, cannot indeed be demonstratively proved; every Law may possibly be abused by a Combination of Profligates, but it must, I think, be granted, that it is drawn up with all the Caution that Reason, or Justice, or the Corruption of the present Age requires. I know not what can be contrived better than an Association of Men unlikely to concur in their Views and Interests. A Justice of the Peace, a Lieutenant of a Ship, and a Commissioner of the Navy, three Men probably unknown to each other, and of which no one will be at all solicitous to desire the rest to unite, to commit a Crime to which no Temptation can be readily imagined.

‘ This Caution, Sir, which cannot but be approved, and which surely is some Proof of Judgment, and Consideration, ought, in my Opinion, to have exempted the Bill, and those by whose Assistance it was drawn up, from the reproachful and indecent Charge of Absurdity, Ignorance, and Incapacity; Terms which the Dignity of this Assembly does not admit, even when they are incontestably just, and which surely ought not to be made Use of when the Question is of a doubtful Nature.

‘ The Gentlemen, Sir, who are now entrusted with public Employments have never yet discovered that they are inferior to their Predecessors in Knowledge, or Integrity, nor do their Characters suffer any Diminution by a Comparison with those who vilify and traduce them.

‘ Those, Sir, that treat others with such licentious Contempt, ought surely to give some illustrious Proof of their own Abilities;

Anno 14, Geo  
II. 1740.



Abilities; and yet, if we examine what has been produced on this Question, we shall find no Reason to admire their Sagacity, or their Knowledge.

• We have been told, Sir, that the Fleet might properly be mann'd by a Detachment from the Army, but it has not been proved that we have any superfluous Forces in the Kingdom, nor, indeed, will our Army be found sufficiently numerous, if, by neglecting to equip our Fleet, we give our Enemies an Opportunity of entering our Country.

• If it be enquired what Necessity there is for our present Forces? what Expeditions are design'd? or what Dangers are fear'd? I shall not think it my Duty to return any Answer. It is, Sir, the great Unhappiness of our Constitution, that our Determinations cannot be kept secret, and that our Enemies may always form Conjectures of our Designs, by knowing our Preparations; but surely more is not to be publish'd than Necessity exorts, and the Government has a Right to conceal what it would injure the Nation to discover.

• Nor can I, Sir, approve the Method of levying Sailors by the Incitement of an exorbitant Reward, a Reward to be augmented at the Pleasure of those who are to receive it. For what can be the Consequence of such Prodigality, but that those, to whom the largest Sum is offered, will yet refuse their Service in Expectation of a greater? The Reward already proposed is, in my Opinion, the utmost Stretch of Liberty; and all beyond may be censur'd as Profusion.

• It is not to be imagin'd, Sir, that all these Objections were not made, and answered, in the Reign of the late Queen, when a Bill of the same Nature was proposed; they are answered at least by the Necessity of those Times, which Necessity has now return'd upon us.

• We do not find that it produced any Consequences so formidable and destructive, that they should for ever discourage us from attempting to raise Forces by the same Means; it was then readily enacted, and executed without Opposition, and without Complaints; nor do I believe that any Measures can be proposed of equal Efficacy, and less Severity.

Mr. Sandys.

S I R,

[Mr. Sandys,

• Whether the Precedents produc'd in Defence of this Bill, will have more Weight than the Arguments, must be shewn by a careful Examination, which will perhaps discover that the Order sent to the Magistrates of Bristol convey'd no new Power, nor such as is, in any respect, parallel to that which this Bill is intended to confer.

• They were only enjoined to enquire with more than usual

usual Strictness, after Strollers and Vagabonds, such as the Law has always subjected to Punishment, and send them to the Fleet, instead of any other Place of Correction; a Method which may now be pursued without Danger, Opposition, or Complaint.

Anno 14, Geo.  
II. 1742.

‘ But for my Part, I am not able, upon the closest Attention to the present Scene of Affairs, to find out the Necessity of extraordinary Methods of any Kind. The Fears of an Invasion from France, are, in my Opinion, Sir, merely chimerical; from their Fleet in America the Coasts of England have nothing to fear, and after the numerous Levies of Seamen by which it was fitted out, it is not yet probable that they can speedily send out another. We know, Sir, that the Number of Seamen depends upon the Extent of Commerce, and surely there is as yet no such Disproportion between their Trade and ours, as that they should be able to furnish out a naval Armament with much greater Expedition than ourselves.

‘ In America, our Forces are at least equal to theirs, so that it is not very probable, that, after the total Destruction of our Fleet by them, they should be so little injured, as to be able immediately to set sail for the Channel, and insult us in our own Ports; to effect this, Sir, they must not only conquer us, but conquer us without Resistance.

‘ If they do not interrupt us in our Attempts, nor expose themselves to an Engagement, they may indeed return without suffering great Damages, but I know not how they can leave the Shores of America unobserved, or pour an unexpected Invasion upon us. If they continue there, Sir, they cannot hurt us; and when they return, we may prepare for their Reception.

‘ There are Men I know, Sir, who have Reason to think highly of the French Policy, and whose Ideas may be exalted to a Belief that they can perform Impossibilities; but I have not yet prevailed upon myself to conceive that they can act invisibly, or that they can equip a Fleet by Sorcery, collect an Army in a Moment, and defy us on our own Coast, without any perceptible Preparations.’

Sir Charles Wager.

SIR,

‘ The Calamities produced by Discord, and Contention, need not to be pointed out, but it may be proper to reflect upon the Consequences of a House divided against itself, that we may endeavour to avoid them.

‘ Unanimity is produced by nothing more powerful than by impending Danger, and therefore it may be useful to shew those

Sir Charles  
Wager.

Anno 14, Geo.  
II. 1740

those who seem at present in profound Security, that the Power of France is more formidable than they are willing to allow.

‘ My Age, Sir, enables me to remember many Transactions of the War in the late Reigns, to which many Gentlemen are Strangers, or of which they have only imperfect Ideas from History and Tradition.

‘ In the second Year of the Reign of King William, the French gained a Victory over the united Fleets of the maritime Powers, which gave them, for the Summer following, the Dominion of the Channel, enabled them to shut up our Merchants in their Ports, and produced a total Suspension of our Commerce.

‘ Those, Sir, to whom the Importance of Trade is so well known, will easily apprehend the Weight of this Calamity, and will, I hope, reject no Measures that have a manifest Tenderness to prevent it.

‘ Our Ships, Sir, do not lie useless because there is any Want of Seamen in the Nation, but because any Service is preferred to that of the Public.

‘ There are now to my Knowledge in one Town on the West Coast, no fewer than 1200 Sailors, of which surely a third Part may be justly claimed by the public Interest; nor do I know why they who obstinately refuse to serve their Country, should be treated with so much Tenderness. It is more reasonable that they should suffer by their Refusal, than that the general Happiness should be endangered.’

Mr. Southwell.

S I R,

Mr. Southwell ‘ When any Authority shall be lodged in my Hands to be exercised for the public Benefit, I shall always endeavour to exert it with Honesty and Diligence; but will never be made the Instrument of Oppression, nor execute any Commission of Tyranny or Injustice.

‘ As therefore the Power of searching is to be placed in the Hands of Justices of the Peace, I think it necessary to declare that I will never perform so hateful a Part of the Office, and that, if this Bill becomes a Law, I will retire from the Place to which my Authority is limited, rather than contribute to the Miseries of my Fellow Subjects.’

Mr. Lyttleton.

S I R,

Mr. Lyttleton ‘ All the Arguments which have been offered in support of this Bill, are reduced at last to one constant Assertion of the Necessity of passing it.

‘ We

‘ We have been told, Sir, with great Acuteness, that a War cannot be carried on without Men, and that Ships are useless without Sailors; and from thence it is inferred that the Bill is necessary. Anno 14, Geo II. 1740

‘ That Forces are, by some means, necessary to be raised, the warmest Opponents of the Bill will not deny; but they cannot therefore allow the Inference, that the Methods now proposed are necessary.

‘ They are of Opinion, Sir, that cruel and oppressive Measures can never be justified, till all others have been tried without Effect; they think that the Law, when it was formerly past, was unjust, and are convinced, by observing that it never was revived, that it was by Experience discovered to be useless.

‘ Necessity, absolute Necessity, is a formidable Sound, and may terrify the weak and timorous into Silence and Compliance; but it will be found, upon Reflection, to be often nothing but an idle Feint, to amuse and to delude us; and that what is represented as necessary to the Public, is only something convenient to Men in Power.

‘ Necessity, Sir, has heretofore been produced as a Plea for that which could be no otherwise defended. In the Days of Charles I Ship Money was declared to be legal, because it was necessary,. Such was the Reasoning of the Lawyers, and the Determination of the Judges; but the Parliament, a Parliament of Patriots! without Fear, and without Corruption, and influenced only by a sincere Regard for the Public, were of a different Opinion, and neither admitted the Lawfulness nor Necessity.

‘ It will become us on this Occasion to act with equal Vigour, and convince our Countrymen, that we proceed upon the same Principles, and that the Liberties of the People are our chief Care.

‘ I hope we shall unite in defeating any Attempts that may impair the Rights which every Briton boasts as his Birth-right, and reject a Law which will be equally dreaded and detested with the Inquisition of Spain.

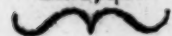
Sir William Yonge.

S I R,

‘ Tho’ many particular Clauses of this Bill have been disapproved and opposed, some with more, and some with less Reason, yet the Committee has hitherto agreed that a Bill for this Purpose is necessary in the present State of our Affairs; upon this Principle we have proceeded thus far, several Gentlemen have proposed their Opinions, contributed their

Sir William  
Yonge.

Anno 14, Geo  
II. 1740.



their Observations, and laboured as in an Affair universally admitted to be of high Importance to the general Prosperity.

‘ But now, Sir, when some of the Difficulties are surmounted, some Expedients luckily struck out, some Objections removed, and the great Design brought nearer to Execution, we are on a sudden informed, that all our Labour is superfluous, that we are amusing ourselves with useless Consultations, providing against Calamities that can never happen, and raising Bulwarks without an Enemy, that therefore the Question before us is of no Importance, and the Bill ought, without farther Examination, to be totally rejected.

‘ I suppose, Sir, I shall be readily believed, when I declare that I shall willingly admit any Arguments that may evince our Safety; but in Proportion as real Freedom from Danger is to be desired, a supine and indolent Neglect of it is to be dreaded and avoided; and I cannot but fear that our Enemies are more formidable, and more malicious, than the Gentlemen that oppose this Bill have represented them.

‘ This Bill can only be opposed upon the Supposition that it gives a Sanction to Severities more rigorous than our present Circumstances require; for nothing can be more fallacious or invidious than a Comparison of this Law with the Demand of Ship-Money, a Demand contrary to all Law, and enforced by the manifest Exertion of arbitrary Power.

‘ How has the Conduct of his present Majesty any Resemblance with that of Charles I? Is any Money levied by Order of the Council? Are the Determinations of the Judges set in Opposition to Acts of Parliament? Is any Man injured in his Property by an unlimited Extension of the Prerogative? Or any Tribunal established superior to the Laws of the Nation?

‘ To draw Parallels, Sir, where there is no Resemblance, and to accuse by Insinuations where there is no Shadow of a Crime; to raise Outcries when no Injury is attempted, and to deny a real Necessity, because it was once pretended for a bad Purpose, is surely not to advance the public Service, which can only be promoted by just Reasonings, and calm Reflections, not by Sophistry and Satire, by Insinuations without Ground, and by Instances beside the Purpose.’

Mr. Lyttleton.

S I R,

Mr. Lyttleton

‘ True Zeal for the Service of the Public is never discovered by collusive Subterfuges and malicious Representations; a Mind attentive to the common Good, would hardly, on an Occasion like this, have been at Leisure to pervert an harmless

harmless Illustration, and extract Disaffection from a casual Remark. Anno 14, Geo II. 1740.

‘ It is, indeed, not impossible, Sir, that I might express myself obscurely, and it may be therefore necessary to declare that I intended no disrespectful Reflection on the Conduct of his Majesty, but must observe at the same time, that obscure or inaccurate Expressions ought always to be interpreted in the most inoffensive Meaning, and that to be too sagacious in discovering concealed Insinuations, is no great Proof of superior Integrity.

‘ Wisdom, Sir, is seldom captious, and Honesty seldom suspicious: A Man capable of comprehending the whole Extent of a Question, disdains to divert his Attention by trifling Observations; and he that is above the Practice of little Arts, or the Motions of petty Malice, does not easily imagine them incident to another.

‘ That in the Question of Ship-Money Necessity was pretended, cannot be denied; and therefore all that I asserted, which was only that the Nation had been once terrified without Reason, by the formidable Sound of Necessity, is evident and uncontested.

‘ When a Fraud has once been practised, it is of Use to remember it, that we may not twice be deceived by the same Artifice, and therefore I mentioned the Plea of Necessity, that it may be enquir’d whether it is now more true than before.

‘ That the Parliament, Sir, and not the Judges, is now applied to, is no Proof of the Validity of the Arguments which have been produced; for in the Days of Ship-Money, the Consent of the Parliament had been asked had there been any Prospect of obtaining it; but the Court had been convinc’d, by frequent Experiments, of the Inflexibility of the Parliament, and despaired of influencing them by Prospects of Advantage, or intimidating them by Frowns or Menaces.

‘ May this and every future Parliament imitate their Conduct, and, like them, distinguish between real and pretended Necessity; and let not us be terrified by idle Clamours into the Establishment of a Law at once useless and oppressive.’

Sir William Yonge.

SIR,

‘ That I did not intend to misrepresent the Meaning of the Honourable Gentleman, I hope it is not necessary to declare; and that I have in reality been guilty of any Misrepresentation, I am not yet convinced. If he did not intend a Parallel between Ship-Money and the present Bill, to what Purpose was his Observation? And if he did intend it, was it

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not

Anno 14, Geo II. 1740 not proper to shew there was no Resemblance, and that all which could be inferred from it was therefore fallacious and inconclusive ?

‘ Nor do I only differ, Sir, in Opinion with the Honourable Gentleman with relation to his Comparison of Measures, which have nothing in common with each other ; but I will venture to declare, that he is not more accurate in his Citations from History. The King did not apply to the Judges, because the Parliament would not have granted him the Money that he demanded, but because his chief Ambition was to govern the Nation by the Prerogative alone, and to free himself and his Descendants from parliamentary Enquiries.

‘ That this Account, Sir, is just, I am confident the Histories of those Times will discover ; and therefore any invidious Comparison between that Parliament and any other, is without Foundation in Reason or in Truth.’

Mr. Bathurst.

S I R,

Mr Bathurst.

‘ That this Law will easily admit, in the Execution of it, such Abuses as will over-balance the Benefits, may readily be proved ; and it will not be consistent with that Regard to the Public, expected from us by those whom we represent, to enact a Law which may probably become an Instrument of Oppression.

‘ The Servant, by whom I am now attended, may be termed, according to the Determination of the Vindicators of this Bill, a Sea-faring-Man, having been once in the West-Indies ; and he may therefore be forced from my Service, and dragged into a Ship by the Authority of a Justice of the Peace, perhaps of some abandon’d Prostitute dignified with a Commission only to influence Elections, and awe those whom Excises and Riot Acts cannot subdue.

‘ I think it, Sir, not improper to declare, that I would by Force oppose the Execution of a Law like this ; that I would bar my Doors and defend them ; that I would call my Neighbours to my Assistance ; and treat those who should attempt to enter, without my Consent, as Thieves, Ruffians, and Murderers.’

Lord Gage.

S I R,

Lord Gage.

‘ It is well known that by the Laws of this Nation Poverty is in some Degree considered as a Crime, and that the Debtor has only this Advantage over the Felon, that he cannot be pursued into his Dwelling, nor be forced from the Shelter of his own House.

\* I think it is universally agreed, that the Condition of a Man in Debt is already sufficiently miserable, and that he would be more worthy of the Legislative Power to contrive Alleviations of his Hardships, than Additions to them; and it seems therefore no inconsiderable Objection to this Bill, that by conferring the Power of entering Houses by Force, it may give the Harpies of the Law an Opportunity of entering, in the Tumult of an Impress, and of dragging a Debtor to a noisom Prison, under Pretence of forcing Sailors into the Service of the Crown.

Anno 14. Geo  
II. 1740.

Mr. Tracy.

SIR,

\* That some Law for the Ends proposed by the Bill before us is necessary, I don't see how we can doubt, after the Declarations of the Admirals, who are fully acquainted with the Service for which Provision is to be made, and of the Ministry, whose Knowledge of the present State of our own Strength, and the Designs of our Enemies, is doubtless more exact than they can acquire who are not engaged in public Employments.

Mr. Tracy.

\* If, therefore, the Measures now proposed are necessary, tho' they may not be agreeable to the present Dispositions of the People, for whose Preservation they are intended, I shall think it my Duty to concur in them, that the public Service may not be retarded, nor the Safety of a whole Nation hazarded, by a scrupulous Attention to minute Objections.

Mr. Campbell.

SIR,

\* I have often amidst my Elogies on British Liberty, and my Declarations of the Excellence of our Constitution, the Impartiality of our Government, and the Efficacy of our Laws, been reproached by Foreigners with the Practice of Impresses, as an Hardship which would raise a Rebellion in absolute Monarchies, and kindle those Nations into Madness, that have for many Ages known no other Law than the Will of their Princes. A Hardship which includes Imprisonment and Slavery, and to which therefore no Aggravations ought to be added.

Mr. Campbell

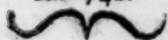
\* But if Justice and Reason, Sir, are to be overborn by Necessity; if Necessity is to stop our Ears against the Complaints of the Oppressed, and harden our Hearts at the Sight of their Misery, let it at least not destroy our Memories, nor deprive us of the Advantages of Experience.

\* Let us enquire, Sir, what were the Effects of this hateful

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Anno 14, Geo  
II. 740.



Authority when it was formerly consign'd to the Magistrates, Were our Fleets mann'd in an Instant? Were our Harbours immediately crouded with Sailors? Did we surprize our Enemies by our Expedition, and make Conquests before an Invasion could be suspected? I have heard, Sir, of no such Consequences, nor of any Advantages which deserved to be purchased by Tyranny and Oppression. We have found that very few were procured by the Magistrates, and the Charge of seizing and conveying was very considerable, and therefore cannot but conclude, that illegal Measures, which have been once tried without Success, should, for a double Reason, never be reviv'd.

Sir John Barnard.

Sir John  
Barnard.

S I R,

' It is not without Regret that I rise so often on this Occasion; for to dispute with those whose Determinations are not influenced by Reason, is a ridiculous Task, a tiresome Labour without Prospect of Reward.

' But as an Honourable Gentleman has lately remark'd, that by denying the Necessity of the Bill, instead of making Objections to particular Clauses, the whole Design of finding Expedients to supply the Sea Service is at once defeated: I think it necessary to remind him, that I have made many Objections to this Bill, and supported them by Reasons which have not yet been answer'd. But I shall now no longer confine my Remarks to single Errors, but observe that there is one general Defect, by which the whole Bill is made absurd and useless.

' For the Foundation of a Law like this, Sir, the Description of a Seaman ought to be thus accurately laid down, it ought to be declared what Acts shall subject him to that Denomination, and by what Means, after having once enlisted himself in this unhappy Class of Men, he may withdraw into a more secure and happy State of Life.

' Is a Man, who has once only lost Sight of the Shore, to be hunted as a Seaman? Is a Man who by Traffic has enriched a Family, to be forced from his Possessions by the Authority of an Impress? Is a Man, who has purchased an Estate, and built a Seat, to solicit the Admiralty for a Protection from the neighbouring Constable? Such Questions as these, Sir, may be ask'd, which the Bill before us will enable no Man to answer.

' If a Bill for this Purpose be truly necessary, let it at least be freed from such offensive Absurdities; let it be drawn up in a Form as different as is possible from that of the Bill before

fore

fore us, and at last I am far from imagining that a Law will be contrived not injurious to Individuals, nor detrimental to the Public; not contrary to the first Principles of our Establishment, and not loaded with Folly and Absurdities.

Anno 14, Geo.  
II. 1749.

Mr. Viner.

SIR,

'A Definition of a Seaman is so necessary in a Bill for Mr. Viner. this Purpose, that the Omission of it will defeat all the Methods that can be suggested. How shall a Law be executed, or a Penalty inflicted, when the Magistrate has no certain Marks whereby he may distinguish a Criminal? And when even the Man that is prosecuted may not be conscious of Guilt, or know that the Law extended to him, which he is charged with having offended.

'If, in defining a Seaman on the present Occasion, it be thought proper to have any Regard to the Example of our Predecessors, whose Wisdom has in this Debate been so much magnified; it may be observed that a Seaman has been formerly defined, A Man who haunts the Seas; a Definition which seems to imply Habit, and Continuance, and not to comprehend a Man who has perhaps never gone more than a single Voyage.

'But tho' this Definition, Sir, shou'd be added to the Amendments already proposed, and the Bill thereby be brought somewhat nearer to the constitutional Principles of our Government; I cannot yet think it so much rectified, as that the Hardships will not out-weigh the Benefits, and therefore shall continue to oppose the Bill, tho' to some particular Clauses I have no Objection.'

The Term Sea-faring Man was then left out, and the several Amendments were admitted in the Committee.

Received the Report of His Majesty's Answer to their Address, That he would give Directions for a Scheme to be prepared to prevent the Running of Wool.

Read a first Time, a Bill for supplying some Defects in the Laws for repairing and rebuilding County Bridges; and for repairing, enlarging, erecting, and providing Houses of Correction.

The 10th. Read a first Time, a Bill for the Improvement of the Manufacture of Woollen Broad Cloth, and to prevent Abuses in the making of the same.

Read a second Time, a Bill for supplying some Defects in the Laws for repairing County Bridges, and for providing Houses of Correction.

Read

Anno 14. Geo.

II 1749.

Read a third Time, and passed the \* Bill for opening a Trade to and from Persia through Russia: Ordered it to the Lords.

The

\* Abstract of the BILL, for opening a Trade to and from Persia, thro' Russia.

*Whereas by Letters Patent, dated February 26, in the first and second Year of King Philip and Queen Mary, their Majesty's did grant to the Merchant Adventurers of England, for the Discovery of Lands, Territories, Isles, &c. unknown, and not before their late Adventure or Enterprize, by Seas or Navigation, commonly frequented the sole Privilege of trading to the Dominions and Territories of the Emperor of Russia. And whereas the Liberties, &c. granted by the said Letters Patent, were afterwards by Act of Parliament in the 8th of Queen Elizabeth confirmed to the said Merchants and their Successors, by the Name of The Fellowship of English Merchants for the Discovery of new Trades (now commonly called the Russia-Company) by which the said Fellowship are to have the sole Privilege of trading to and from the Dominions and Territories of the Emperor of Russia, lying Northwards, North-eastwards, and North-westwards from London; as also to the Countries of Armenia Major, or Minor, Media, Hyrcania, Persia, or the Caspian Sea: And whereas, by an Act in the 10th and 11th Years of King William III. to enlarge the Trade to Russia any Subject of this Realm hath a Right to become free of the said Fellowship, on Payment of 5l. and no more: And whereas, by an Act of his late Majesty Charles II for encouraging and increasing of Shipping and Navigation, it is enacted, That no Goods of foreign Growth and Manufactures, which by the said Act are to be brought into England, Ireland, &c. in English or other Shipping, navigated in such a manner, as therein is mentioned, shall be shipped, or brought from any other Place or Places, Town or Country, &c. but only from those of the said Growth, Production, or Manufacture; or from those Ports where the said Goods and Commodities could only, or usually had been first shipped for Transportation, and from no other, under the Forfeiture of all such Goods, as also the Ship in which they are imported, with all her Guns, Tackle, &c. to be recovered and divided as in the said Act directed, with Provision that the said Act shall not extend to prohibit the importing of the Commodities of the Straights or Levant Seas, in English-built Shipping, navigated as therein directed, from the usual Ports or Places for lading them within the said Straights or Levant*

The House resolved them into a Committee on the Bill for Anno 14, Geo. II. 1740.  
the Encouragement of Seamen, and speedier Manning the Fleet, when Sir Charles Wager offer'd a Clause by which it was to be enacted, That no Merchants, or Bodies Corporate, or Politic, shall hire Sailors at higher Wages than 3 s. for the Month, on Pain of forfeiting the treble Value of the Sum so agreed for; which Law was to commence after Fifteen Days, and continue for a Time to be agreed on by the House. And then spoke to the following Purpose.

Sir,

*Levant Seas, or the importing any East-India Commodities laden in the like Shipping, and navigated as abovesaid, to the Southward and Eastward of Cabo bona Speranza, altho' the said Commodities be not of the very Growth of the said Places respectively. And whereas, at the Time of passing the said last-mentioned Act, it was not usual to bring to this Kingdom Raw-Silk and other Commodities of the Growth and Manufacture of Persia, thro' Russia. And whereas it may be of great Advantage to this Kingdom, to open a Trade to and from Persia, thro' Russia, by promoting the Consumption of the Woollen and other Manufactures thereof, if Raw-Silk, and other Goods, the Produce of Persia, be permitted to be imported into this Kingdom from Russia, in return for such Woollen and other Manufactures as shall be exported from hence into Russia, and from thence carried into Persia, and not otherwise: Be it enacted, &c. That from and after the 24th of June 1741, it shall be lawful for every Member of the said Fellowship or Russia-Company, exclusive of all others, to import into this Kingdom, in British-built Shipping, navigated according to Law, from any Port belonging to the Czar, Raw-Silk, or any other Goods of the Growth and Manufacture of Persia; provided such Manufacture, of the Growth or Produce of Persia, be purchased by Barter with Woollen and other Manufactories, or Goods exported from Great-Britain to Russia, and from thence carried into Persia (Gold and Silver in Coin, and Bullion excepted) or with the Produce arising from the Sales of such Manufactures, &c. exported to Russia, and carried into Persia as aforesaid; and not otherwise, upon paying or securing the Duties now payable for the same, according to such Rules and Directions, &c. as are by Law prescribed and practised on the Importation of Goods of the Growth and Manufacture of Persia, imported into this Kingdom from any Port in the Levant-Seas, by any Person free of the Turkey, or Levant Company.*

*And be it enacted, &c. That no Silk, or other Produce or Manufacture of Persia, shall be imported into Great Britain, thro' Russia, by virtue of this Act. unless the Importer take an Oath,*

or

Anno 14, Geo.  
II. 1740.

S. I R,

Sir Charles  
Wager.

‘ The Necessity of this Clause must be so apparent to every Gentleman acquainted with naval and commerical Affairs, that as no Opposition can be apprehended, very few Arguments will be requisite to introduce it.

‘ How much the public Calamities of War are improved by the Sailors to their own private Advantage, how generally they shun the public Service, in Hopes of receiving exorbitant Wages from the Merchants, and how much they extort from the Merchants, by threatening to leave their Service for that of the Crown, is universally known by every Officer of the Navy, and every Commander of a Trading-Vessel.

‘ A Law therefore, Sir, to restrain them in time of War from such exorbitant Demands, to deprive them of those Prospects which have often no other Effect but to lull them in Idleness, while they skulk about in Expectation of higher Wages,

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*or make Affirmation before the Collector, &c. at the Port of Importation, that to the best of his or their Knowledge and Belief, the Silk and other the Produce or Manufactures of Persia, contained in his or their Entries, was or were really purchased by Barter with Woollen, &c. Goods exported from Great-Britain to Russia, and from thence carried into Persia (not being Gold or Silver in Coin, or Bullion) or with the Produce arising from Sales of the said Goods, and not otherwise. And in default of taking such Oath or Affirmation, being a Quaker, all such Silk, &c. shall be liable to be seized and forfeited, as if the same had been imported contrary to the said Act of the 12th of Charles II.*

*Provided always, and be it enacted, &c. That nothing in this Act shall extend to the permitting, using, or wearing in this Kingdom, any wrought Silks or other Manufacture of Persia, mentioned in the Act 11th of William III. which may be imported by virtue thereof thro’ Russia; but the said Act or any Clause thereof, &c. for re-exporting the same, to be in full Force, &c.*

*And be it further enacted, &c. That if any Question, &c. shall arise, whether any of the Goods to be imported, by virtue of the Act, be of the Growth or Manufacture of Persia or not, or were imported contrary to the true Meaning of this Act, and shall on that Account be seized, the Proof shall lie on the Importer or Claimer, and not upon the Officer or Informer.*

*Provided also, that this Act shall not extend to hinder the East-India Company from having all such Privileges, &c. as do or shall belong to them, &c. any thing in this Act notwithstanding.”*

Wages, and to hinder them from deceiving themselves, em- Anno 14, Geo.  
barrassing the Merchants, and neglecting the general Interest II. 1740.  
of their Country is undoubtedly just. It is just, Sir, because  
in regard to the Public it is necessary to prevent the greatest  
Calamity that can fall upon a People, to preserve us from re-  
ceiving Laws from the most implacable of our Enemies; and  
it is just because with respect to particular Men it has no  
Tendency but to suppress Idleness, Fraud, and Extortion.

Mr. H. Fox.

SIR,

‘ I have no Objection to any Part of this Clause, except Mr. H. Fox  
the Day proposed for the Commencement; to make a Law  
against any pernicious Practice, to which there are strong  
Temptations, and to give those whose Interest may incite  
them to it, Time to effect their Schemes, before the Law shall  
begin to operate, seems not very consistent with their Wisdom  
or Vigilance.

‘ It is not denied, Sir, that the Merchants are betrayed by  
that Regard to private Interest which prevails too frequently  
over nobler Views, to bribe away from the Service of the  
Crown by large Rewards, those Sailors whose Assistance is  
now so necessary to the Public, and therefore it is not to be  
imagined that they will not employ their utmost Diligence  
to improve the Interval which the Bill allows in making  
Contracts for the ensuing Year, and that the Sailors will not  
eagerly engage themselves before this Law shall preclude  
their Prospects of Advantage.

‘ As therefore to make no Law, and to make a Law that  
will not be observed, is in Consequence the same, and as the  
Time allow’d by the Clause, as it now stands, may make the  
whole Provision ineffectual, it is my Opinion that either it  
ought to begin to operate to-morrow, or that we ought to  
leave the whole Affair in its present State.’

Sir Robert Walpole.

SIR,

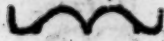
‘ Nothing has a greater Appearance of Injustice, than to Sir Robert  
punish Men by virtue of Laws with which they were not ac- Walpole.  
quainted; the Law therefore is always supposed to be known  
by those who have offended it, because it is the Duty of  
every Man to know it, and certainly it ought to be the Care  
of the Legislature, that those whom the Law will affect, may  
have a Possibility of knowing it, and that those may not be  
punished for failing in their Duty, whom nothing but ine-  
vitable Ignorance has betrayed into Offence.

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‘ But

Anno 14, Geo.  
II. 1742.



• But if the Operation of this Law should commence to-morrow, what Numbers may break it, and suffer by the Breach of it involuntarily, and without Design; and how shall we vindicate ourselves from having been accessory to the Crime which we censure and punish?

Mr. H. Fox.

S I R,

Mr. H. Fox.

• I shall not urge in Defence of my Motion what is generally known and has been frequently inculcated in all Debates upon this Bill, that private Considerations ought always to give Way to the Necessities of the Public; for I think it sufficient to observe, that there is a Distinction to be made between Punishment and Restraints; and that we never can be too early in the Prevention of pernicious Practices, tho' we may sometimes delay to punish them.

• The Law will be known to-morrow to far the greatest Number of those who may be tempted to defeat it, and if there be others that break it ignorantly, how will they find themselves injured by being only obliged to pay less than they promised, which is all that I should propose without longer Warning. The Debate upon this particular will be at length reduced to a Question, Whether a Law for this Purpose is just and expedient? If a Law be necessary, it is necessary that it should be executed, and it can be executed only by commencing to-morrow.

• Lord Baltimore.

S I R,

Lord  
Baltimore

• It appears to me of no great Importance how soon the Operation of the Law commences, or how long it is delayed, because I see no Reason for imagining that it will at any Time produce the Effects proposed by it.

• It has been the Amusement, Sir, of the greatest Part of my Life, to converse with Men whose Inclinations or Employments have made them well acquainted with maritime Affairs, and, amidst innumerable other Schemes for the Promotion of Trade, have heard some for the Regulation of Wages in trading Ships, Schemes, at the first Appearance, plausible and likely to succeed, but, upon a nearer Enquiry, evidently entangled with insupportable Difficulties, and never to be executed without Danger of injuring the Commerce of the Nation.

• The Clause, Sir, now before us contains in my Opinion one of those visionary Provisions, which, however infallible they may appear, will be easily defeated, and will have no other Effect than to promote Cunning and Fraud, and to teach Men

Men those Acts of Collusion with which they would otherwise never have been acquainted.' Anno 14, Geo: II. 1740.

Mr. Lockwood.

SIR,

'I agree with the Honourable Gentleman by whom this Clause has been offer'd, that the End for which it is propos'd, is worthy the closest Attention of the legislative Power, and that the Evils, of which the Prevention is now endeavour'd, may in some Measure not only obstruct our Traffic, but endanger our Country; and shall therefore very readily concur in any Measure for this Purpose, that shall not appear either unjust or ineffectual.

Mr Lockwood.

'Whether this Cause will be sufficient to restrain all elusive Contracts, and whether all the little Artifices of Interest are sufficiently obviated, I am yet unable to determine; but by a Reflection upon the Multiplicity of Relations to be considered, and the Variety of Circumstances to be adjusted, in a Provision of this kind, I am inclin'd to think that it is not the Business of a transient Enquiry, or of a single Clause, but that it will demand a separate Law, and engage the Deliberation and Regard of this whole Assembly.'

Sir John Barnard.

SIR,

'Notwithstanding the Impatience and Resentment with which some Men see their Mistakes and Ignorance detected, notwithstanding the Reverence which Negligence and Haste are said to be entitled to from this Assembly, I shall declare once more, without the Apprehension of being confuted, that this Bill was drawn up without Consideration, and is defended without being understood; that, after all the Amendments which have been admitted, and all the Additions propos'd, it will be oppressive and ineffectual, a Chaos of Absurdities, and a Monument of Ignorance.'

Sir John Barnard.

Sir Robert Walpole.

SIR,

'The present Business of this Assembly is to examine the Clause before us; but to deviate from so necessary an Enquiry into loud Exclamations against the whole Bill, is to obstruct the Course of the Debate, to perplex our Attention, and interrupt the Parliament in its Deliberation upon Questions, in the Determination of which the Security of the Public is nearly concern'd.

Sir Robert Walpole.

'The War, Sir, in which we are now engaged, and, I may add, engaged by the general Request of the whole Nation,

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anno 14, Geo  
II. 1740.

tion, can be prosecuted only by the Assistance of the Seamen, from whom it is not expected that they will sacrifice their immediate Advantage to the Security of their Country. Public Spirit, where it is to be found, is the Result of Reflection, refin'd by Study and exalted by Education, and is not to be hoped for among those whom low Fortune has condemned to perpetual Drudgery. It must be therefore necessary to supply the Defect of Education, and to produce by salutary Coercions those Effects which it is in vain to expect from other Causes.

‘ That the Service of the Sailors will be set up to Sale by Auction, and that the Merchants will bid against the Government is incontestable; nor is there any Doubt that they will be able to offer the highest Price; because they will take Care to repay themselves by raising the Value of their Goods. Thus, without some Restraint upon the Merchants, our Enemies, who are not debarred by their Form of Government from any Method which Policy can invent, or absolute Power put in Execution, will prelude all our Designs, and set at Defiance a Nation superior to themselves.’

Sir John Barnard.

S I R,

Sir John

‘ I think myself obliged by my Duty to my Country, and by my Gratitude to those by whose Industry we are enriched, and by whose Courage we are defended, to make once more a Declaration, not against particular Clauses, not against single Circumstances, but against the whole Bill; a Bill unjust and oppressive, absurd and ridiculous; a Bill to harrass the Industrious and distress the Honest, to puzzle the Wise and add Power to the Cruel; a Bill, which cannot be read without Astonishment, nor passed without the Violation of our Constitution, and an equal Disregard of Policy and Humanity.

‘ All these Assertions will need to be proved only by a bare Perusal of this hateful Bill, by which the meanest, the most worthless Reptile, exalted to a petty Office by serving a Wretch only superior to him in Fortune, is enabled to flush his Authority by tyrannizing over those who every Hour deserve the public Acknowledgements of the Community; to intrude upon the Retreats of brave Men, fatigued and exhausted by honest Industry, to drag them out with all the Wantonness of groveling Authority, and chain them to the Oar without a Moment's Respite, or perhaps oblige them to purchase, with the Gains of a dangerous Voyage, or the Plunder of an Enemy lately conquer'd, a short Interval to settle their Affairs, or bid their Children farewell.

‘ Let

• Let any Gentleman in this House, let those, Sir, who now sit at Ease, projecting Laws of Oppression and conferring upon their own Slaves such licentious Authority, pause a few Moments, and imagine themselves exposed to the same Hardships by a Power superior to their own; let them conceive themselves torn from the Tenderness and Carresses of their Families by mid-night Irruptions, dragg'd in Triumph thro' the Streets by a despicable Officer, and placed under the Command of those by whom they have perhaps been already insulted. Why should we imagine that the Race of Men for whom these Cruelties are preparing, have less Sensibility than ourselves? Why should we believe that they will suffer without Complaint, and be injur'd without Resentment? Why should we conceive that they will not at once deliver themselves, and punish their Oppressors, by deserting that Country where they are consider'd as Felons, and laying hold on those Rewards and Privileges which no other Government will deny them?

Anno 14, Geo.

II. 1740.

• This is indeed the only Tendency, whatever may have been the Intention, of the Bill before us; for I know not whether the most refin'd Sagacity can discover any other Method of discouraging Navigation than those which are drawn together in the Bill before us. We first give our Constables an Authority to hunt the Sailors like Thieves, and drive them by incessant Pursuit out of the Nation; but lest any Man should, by Friendship, good Fortune, or the Power of Money, find Means of staying behind, we have with equal Wisdom condemn'd him to Poverty and Misery; and lest the natural Courage of his Profession shou'd incite him to assist his Country in the War, have contriv'd a Method of precluding him from any Advantage that might have the Weakness to hope from his Fortitude and Diligence. What more can be done, unless we at once prohibit to Seamen the Use of the common Elements, or doom them to a general Proscription.

• It is just, Sir, that Advantage should be proportion'd to the Hazard by which it is to be obtained, and therefore a Sailor has an honest Claim to an Advance of Wages in Time of War; it is necessary to excite Expectation, and to fire Ambition by the Prospect of great Acquisitions, and by this Prospect it is that such Numbers are daily allured to naval Business, and that our Privateers are filled with Adventurers. The large Wages which War makes necessary, are more powerful Incentives to those whom Impatience of Poverty determines to change their State of Life, than the secure Gains of peaceful Commerce; for the Danger is over-look'd by a Mind intent upon the Profit.

• War

Anno 14, Geo.  
11. 1740

• War is the Harvest of a Sailor, in which he is to store Provisions for the Winter of old Age; and if we blast this Hope, he will inevitably sink into Indolence and Cowardice.

• Many of the Sailors are bred up to Trades, or capable of any laborious Employment upon Land; nor is there any Reason for which they expose themselves to the Dangers of a Seafaring Life, but the Hope of sudden Wealth, and some lucky Season in which they may improve their Fortunes by a single Effort. Is it reasonable to believe that all these will not rather have Recourse to their former Callings, and live in Security, though not in Plenty, than encounter Danger and Poverty at once, and face an Enemy without any Prospect of Recompence?

• Let any Man recollect the Ideas that arose in his Mind upon hearing of a Bill for encouraging and increasing Sailors, and examine whether he had any Expectation of Expedients like these? I suppose, it was never known before, that Men were to be encouraged by subjecting them to peculiar Penalties, or that to take away the Gains of a Profession, was a Method of recommending it, more generally to the People.

• But it is not of very great Importance to dwell longer upon the Impropriety of this Clause, which there is no Possibility of putting in Execution. That the Merchants will try every Method of eluding a Law so prejudicial to their Interest, may be easily imagined; and a Mind not very fruitful of Evasions will discover that this Law may be eluded by a thousand Artifices. If the Merchants are restrained from allowing Men their Wages beyond a certain Sum, they will make Contracts for the Voyage, of which the Time may very easily be computed; they may offer a Reward for Expedition and Fidelity; they may pay a large Sum by way of Advance; they may allow the Sailors Part of the Profits, or may offer Money by a third Hand. To fix the Price of any Commodity, of which the Quantity and the Use may vary their Proportions, is the most excessive Degree of Ignorance. No Man can determine the Price of Corn, unless he can regulate the Harvest, and keep the Number of the People for ever at a Stand.

• But let us suppose these Methods as efficacious as their most sanguine Vindicators are desirous of representing, it does not yet appear that they are necessary; and to inflict Hardships without Necessity, is by no means the Practice of either Wisdom or Benevolence. To tyrannize and compel, is the low Pleasure of petty Capacities, of narrow Minds, swelled with the Pride of uncontrollable Authority, the Wantonness of Wretches who are insensible of the Consequences of

of their own Actions, and of whom Candour may perhaps determine, that they are only cruel because they are stupid. Let us not exalt into a Precedent, the most unjust and rigorous Law of our Predecessors, of which they themselves declared their Repentance, or confessed the Inefficacy, by never reviving it; let us rather endeavour to gain the Sailors by Lenity and Moderation, and reconcile them to the Service of the Crown by real Encouragement; for it is rational to imagine, that in Proportion as Men are disgusted by Injuries, they will be won by Kindness.

Anno 14, Geo.  
II. 1740

‘ There is one Expedient, Sir, which deserves to be tried, and from which at least more Success may be hoped than from Cruelty, Hunger, and Persecution. The Ships that are now to be fitted out for Service, are those of the first Magnitude, which it is usual to bring back into the Ports in Winter. Let us therefore promise to all Seamen that shall voluntarily engage in them, besides the Reward already proposed, a Discharge from the Service at the End of six or seven Months. By this they will be released from their present Dread of Slavery, and be certain, as they are when in the Service of the Merchants, of a Respite from their Fatigues. The Trade of the Nation will be only interrupted for a Time, and may be carried on in the Winter Months, and large Sums will be saved by dismissing the Seamen when they cannot be employed.

‘ By adding this to the other Methods of Encouragement, and throwing aside all rigorous and oppressive Schemes, the Navy may easily be manned, our Country protected, our Commerce re-established, and our Enemies subdued; but to pass the Bill as it now stands, is to determine that Trade shall cease, and that no Ship shall sail out of the River.’

Mr. Pit.

S I R,

‘ It is common for those to have the greatest Regard to their own Interest who discover the least for that of others. I do not, therefore, despair of recalling the Advocates of this Bill from the Prosecution of their favourite Measures by Arguments of greater Efficacy than those which are founded on Reason and Justice.

Mr. Pit.

‘ Nothing, Sir, is more evident, than that some Degree of Reputation is absolutely necessary to Men who have any Concern in the Administration of a Government like ours; they must either secure the Fidelity of their Adherents by the Assistance of Wisdom, or of Virtue; their Enemies must either be awed by their Honesty, or terrified by their Cunning. Mere artless Bribery will never gain a sufficient Majority

Amo 14, Geo  
II. 1740.

Majority to set them entirely free from Apprehensions of Censure. To different Tempers different Motives must be applied: Some, who place their Felicity in being accounted wise, are in very little Care to preserve the Character of Honesty; others may be persuaded to join in Measures which they easily discover to be weak and ill-concerted, because they are convinced that the Authors of them are not corrupt but mistaken, and are unwilling that any Man should be punished for natural Defects or casual Ignorance.

‘ I cannot say, Sir, which of these Motives influence the Advocates for the Bill before us; a Bill in which such Cruelties are proposed as are yet unknown among the most savage Nations, such as Slavery has not yet borne, or Tyranny invented, such as cannot be heard without Resentment, nor thought of without Horror.

‘ It is, Sir, perhaps, not unfortunate, that one more Expedient has been added rather ridiculous than shocking, and that these Tyrants of the Administration, who amuse themselves with oppressing their Fellow Subjects, who add without Reluctance one Hardship to another, invade the Liberty of those whom they have already overborn with Taxes, first plunder and then imprison, who take all Opportunities of heightening the public Distresses, and make the Miseries of War the Instruments of new Oppressions, are too ignorant to be formidable, and owe their Power not to their Abilities, but to casual Prosperity, or to the Influence of Money.

‘ The other Clauses of this Bill, complicated at once with Cruelty and Folly, have been treated with becoming Indignation; but this may be considered with less Ardour and Resentment, and fewer Emotions of Zeal, because, tho’ not perhaps equally iniquitous, it will do no Harm; for a Law that can never be executed can never be felt.

‘ That it will consume the Manufacture of Paper, and swell the Books of Statutes, is all the Good or Hurt that can be hoped or fear’d from a Law like this; a Law which fixes what is in its own Nature mutable, which prescribes Rules to the Seasons and Limits to the Wind.

‘ I am too well acquainted, Sir, with the Disposition of its two chief Supporters, to mention the Contempt with which this Law will be treated by Posterity; for they have already shewn abundantly their Disregard of succeeding Generations; but I will remind them, that they are now venturing their whole Interest at once, and hope they will recollect, before it is too late, that those who believe them to intend the Happiness of their Country will never be confirmed in their Opinion by open Cruelty and notorious Oppression; and that those who have only their

own Interest in View, will be afraid of adhering to those Leaders, however old and practised in Expedients, however strengthen'd by Corruption, or elated with Power, who have no reason to hope for Success from either their Virtue or Abilities.

Anno 14, Geo  
II. 1740.

Mr. Bathurst.

S I R,

‘ The Clause now under our Consideration is so incon- siderately drawn up, that it is impossible to read it in the most cursory Manner, without discovering the Necessity of numerous Amendments; no malicious Subtilties or artful Deductions are required in raising Objections to this Part of the Bill; they crowd upon us without being sought, and instead of exercising our Sagacity, weary our Attention.

Mr Bathurst.

‘ The first Error, or rather one Part of a general and complicated Error, is the Computation of Time not by Days but by Kalendar Months, which, as they are not equal one to another, may embarrass the Account between the Sailors and those that employ them. In all Contracts of a short Duration, the Time is to be reckoned by Weeks and Days, by certain and regular Periods, which has been so constantly the Practice of the Sea-faring-Men, that perhaps many of them do not know the Meaning of a Kalendar Month; This indeed is a Neglect of no great Importance, because no Man can be deprived by it of more than the Wages due for the Labour of a few Days, but the other Part of this Clause is more seriously to be consider'd, as it threatens the Sailors with great Injuries. For it is to be enacted, that all Contracts made for more Wages than are here allowed shall be totally void.

‘ It cannot be denied to be possible, and in my Opinion it is very likely, that many Contracts will be made without the Knowledge of this Law, and consequently without any Design of violating it; but Ignorance, inevitable Ignorance, tho' it is a valid Excuse for every other Man, is no Plea for the unhappy Sailor; he must suffer, tho' innocent, the Penalty of a Crime; must undergo Danger, Hardships, and Labour, without a Recompence, and at the End of a successful Voyage, after having enriched his Country by his Industry, return Home to a necessitous Family without being able to relieve them.

‘ It is scarcely necessary, Sir, to raise any more Objections to a Clause in which nothing is right; but to shew how its Imperfections multiply upon the slightest Consideration, I take this Opportunity to observe that there is no Provision made for regulating the Voyages performed in less Time than

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II. 1740

so that the greatest Part of the Abuses, which have been represented as the Occasion of this Clause, are yet without Remedy, and only those Sailors who venture far, and are exposed to the greatest Dangers, are restrain'd from receiving an adequate Reward.

Thus much, Sir, I have said upon the Supposition, that a Regulation of the Sailors Wages is either necessary or just; a Supposition of which I am very far from discovering the Truth. That it is just to oppress the most useful of our Fellow-Subjects, to load those Men with peculiar Hardships to whom we owe the Plenty that we enjoy, the Power that yet remains in the Nation, and which neither the Folly nor the Cowardice of Ministers have yet been able to destroy, and the Security in which we now sit and hold our Consultations; that it is just to lessen our Payments at a Time when we increase the Labour of those who are hired, and to expose Men to Danger without Recompence, will not easily be proved even by those who are most accustomed to Paradoxes, and are ready to undertake the Proof of any Position which it is their Interest to find true.

Nor is it much more easy to shew the Necessity of this Expedient in our present State, in which it appears from the Title of the Bill, that our chief Endeavour should be the Increase and Encouragement of Sailors, and, I suppose, it has not often been discover'd, that by taking away the Profits of a Profession, greater Numbers have been allured to it.

The high Wages, Sir, paid by Merchants are the chief Incitements that prevail upon the Ambitious, the Necessitous, or the Avaritious, to forsake the Ease and Security of the Land, to leave easy Trades and healthful Employments, and expose themselves to an Element where they are not certain of an Hour's Safety. The Service of the Merchants is the Nursery in which Seamen are trained up for his Majesty's Navies, and from thence we must, in Time of Danger, expect those Forces by which alone we can be protected.

If, therefore, it is necessary to encourage Sailors, it is necessary to reject all Measures that may terrify or disgust them; and, as their Numbers must depend upon our Trade, let us not embarrass the Merchants with any other Difficulties than those which are inseparable from War, and which very little Care has been hitherto taken to alleviate.

Mr. Hay.

SIR,

Mr. Hay.

The Objections which have been urged with so much Ardour, and display'd with such Power of Eloquence, are not, in my Opinion, formidable enough to discourage us from

from prosecuting our Measures ; some of them may be per- Anno 14. Geo  
haps readily answered, and the rest easily removed. II. 1740.

‘ The Computation of Time, as it now stands, is allow’d not to produce any formidable Evil, and therefore did not require, so rhetorical a Censure ; the Inconveniency of Kalendar Months may easily be removed by a little Candour in the contracting Parties, or that the Objection may not be repeated to the Interruption of the Debate, Weeks or Days may be substituted, and the usual reckoning of the Sailors be still continued.

That some Contracts may be annulled, and Inconveniencies or Delays of Payment arise, is too evident to be questioned ; but in that Case the Sailor may have his Remedy provided, and be enabled to obtain, by an easy Process, what he shall be judg’d to have deserved ; for it must be allow’d reasonable, that every Man who labours in honest and useful Employments, should receive the Reward of his Diligence and Fidelity.

‘ Thus, Sir, may the Clause, however loudly censured and violently opposed, be made useful and equitable, and the public Service advanced without Injury to Individuals.’

Sir Robert Walpole.

SIR,

‘ Every Law which extends its Influence to great Numbers, in various Relations and Circumstances, must produce some Consequences that were never foreseen or intended, and is to be censured or applauded as the general Advantages or Inconveniencies are found to preponderate. Of this kind is the Law before us, a Law enforced by the Necessity of our Affairs, and drawn up with no other Intention than to secure the public Happiness, and produce that Success which every Man’s Interest must prompt him to desire.

‘ If, in the Execution of this Law, Sir, some Inconveniencies should arise, they are to be remedied as fast as they are discovered, or if not capable of a Remedy, to be patiently borne in Consideration of the general Advantage.

‘ That some temporary Disturbances may be produced is not improbable ; the Discontent of the Sailors may for a short Time rise high, and our Trade be suspended by their Obstinacy ; but Obstinacy, however determined, must yield to Hunger, and when no higher Wages can be obtained, they will cheerfully accept of those which are here allowed them. Short Voyages indeed are not comprehended in the Clause, and therefore the Sailors will engage in them upon their own Terms ; but this Objection can be of no weight with those

Anno 14. Geo  
II. 740.

those that oppose the Clause, because, if it is unjust to limit the Wages of the Sailors, it is just to leave those Voyages without Restriction; and those that think the Expedient here proposed equitable and rational, may perhaps be willing to make some Concessions to those who are of a different Opinion.

• That the Bill will not remove every Obstacle to Success, nor add Weight to one Part of the Balance without making the other lighter; that it will not supply the Navy without incommoding the Merchants in some degree; that it may be sometimes evaded by Cunning, and sometimes abused by Malice; and that at last it will be less efficacious than is desired, may perhaps be proved; but it has not yet been proved that any other Measures are more eligible, or that we are not to promote the public Service as far as we are able, though our Endeavours may not produce Effects equal to our Wishes.

Sir John Barnard.

S I R,

Sir John  
Barnard.

• I know not by what Fatality it is that nothing can be urged in Defence of the Clause before us which does not tend to discover its Weakness and Inefficacy. The warmest Patrons of this Expedient are impelled by the mere Force of Conviction to such Concessions as invalidate all their Arguments, and leave their Opponents no Necessity of replying.

• If short Voyages are not comprehended in this Provision what are we now controverting? what but the Expedience of a Law that will never be executed? The Sailors, however they are contemned by those who think them only worthy to be treated like Beasts of Burthen, are not yet so stupid but that they can easily find out, that to serve a Fortnight for greater Wages is more eligible than to toil a Month for less; and as the numerous Equipments that have been lately made have not left many more Sailors in the Service of the Merchants than may be employ'd in the Coasting Trade, those who traffic to remoter Parts must shut up their Books, and wait till the Expiration of this Act for an Opportunity of renewing their Commerce.

• To regulate the Wages for one Voyage, and to leave another without Limitation, in time of Scarcity of Seamen, is absolutely to prohibit that Trade which is so restrained, and is doubtless a more effectual Embargo than has been yet invented.

• Let any Man but suppose that the East-India Company were obliged to give only half the Wages that other Traders allow,

allow, and consider how that part of our Commerce could be carried on; would not their Goods rot in their Warehouses, and their Ships lie for ever in the Harbour? Would not the Sailors refuse to contract with them? or desert them after a Contract, upon the first Prospect of more advantageous Employment?

Anno 14, Geo.  
II. 1740.

‘ But it is not requisite to multiply Arguments in a Question which may not only be decided without long Examination, but in which we may determine our Conclusions by the Experience of our Ancestors. Scarcely any right or wrong Measures are without a Precedent, and often discover what the most enlightened Reason failed to foresee.

‘ Let us therefore improve the Errors of our Ancestors to our own Advantage, and whilst we neglect to imitate their Virtues, let us at least forbear to repeat their Follies.’

Mr. Alderman Perry.

SIR,

‘ There is one Objection more which my Acquaintance with foreign Trade impresses too strongly upon my Mind to Mr. Perry. suffer me to conceal it.

‘ It is well known that the Condition of a Seaman subjects him to the Necessity of spending a great part of his Life at a Distance from his native Country, in Places where he can neither hear of our Designs, nor be instructed in our Laws, and therefore it is evident that no Law ought to affect him before a certain Period of Time, in which he may reasonably be supposed to have been informed of it. For every Man ought to have it in his Power to avoid Punishment, and to suffer only for Negligence and Obstinacy.

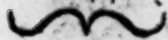
‘ It is quite unnecessary, Sir, to observe to this Assembly, that there are now, as at all times, great Numbers of Sailors in every part of the World, and that they at least equally deserve our Regard with those who are under the more immediate Influence of the Government.

‘ These Seamen have already contracted for the Price of their Labour, and the Recompence of their Hazards, nor can we, in my Opinion, without manifest Injustice, dissolve a Contract founded upon Equity, and confirmed by Law.

‘ It is, Sir, an undisputed Principle of Government, that no Person should be punished without a Crime; but is it no Punishment to deprive a Man of what is due to him by a legal Stipulation, the Condition of which is on his Part honestly fulfilled?

‘ Nothing, Sir, can be imagined more calamitous than the Disappointment to which this Law subjects the unhappy Men

Anno 14, Geo  
II 1740.



Men who are now promoting the Interest of their Country in distant Places, amidst Dangers and Hardships, in unhealthy Climates and barbarous Nations, where they comfort themselves under the Fatigues of Labour and the Miseries of Sickness, with the Prospect of the Sum which they shall gain for the Relief of their Families, and the Respite which their Wages will enable them to enjoy ; but upon their Return they find their Hopes blasted, and their Contracts dissolved by a Law made in their Absence.

‘ No human Being, I think, can coolly, and deliberately inflict a Hardship like this, and therefore I doubt not but those who have by Inadvertency given room for this Objection, will either remove it by an Amendment, or what is, in my Opinion, more eligible, reject the Clause as inexpedient, useless, and unjust.’

Sir William Yonge.

S I R,

Sir William  
Yonge.

‘ This Debate has been protracted, not by any Difficulties arising from the Nature of the Questions which have been the Subject of it, but by a Neglect with which almost all the Opponents of the Bill may be justly charged, the Neglect of distinguishing between Measures eligible in themselves, and Measures preferable to Consequences which are apprehended from particular Conjunctions ; between Laws made only to advance the public Happiness, and Expedients of which the Benefit is merely occasional, and of which the sole Intention is to avert some national Calamity, and which are to cease with the Necessity that produced them.

‘ Such are the Measures, Sir, which are now intended ; Measures, which in Days of Ease, Security, and Prosperity, it would be the highest Degree of Weakness to propose, but of which I cannot see the Absurdity in Times of Danger and Distress. Such Laws are the Medicines of a State, useless and nauseous in Health, but preferable to a lingering Disease, or to a miserable Death.

‘ Even those Measures, Sir, which have been mentioned as most grossly absurd, and represented as parallel to the Provision made in this Clause, only to expose it to Contempt and Ridicule, may in particular Circumstances be rational and just. To settle the Price of Corn in the Time of a Famine, may become the wisest State, and Multitudes might, in Time of public Misery, by the Benefit of temporary Laws, be preserved from Destruction. Even those Masts, to which, with a prosperous Gale, the Ship owes its Usefulness and its Speed, are often cut down by the Sailors in the Fury of a Storm.

‘ With

With regard to the Ships which are now in distant Places, Anno 14, Geo. II. 1740. whether no Knowledge of this Law can possibly be conveyed, it cannot be denied that their Crews ought to be secured from Injury by some particular Exception; for tho' it is evident in Competitions between public and private Interest, which ought to be preferred, yet we ought to remember that no unnecessary Injury is to be done to Individuals, even while we are providing for the Safety of the Nation.

Mr. Fazakerley.

SIR,

'Tho' I cannot be supposed to have much Acquaintance with naval Affairs, and therefore may not perhaps discover the full Force of the Arguments that have been urged in favour of the Clause now under Consideration, yet I cannot but think myself under an indispensable Obligation to examine it as far as I am able, and to make use of the Knowledge which I have acquired, however inferior to that of others.

Mr. Fazakerley.

'The Argument, Sir, the only real Argument, which has been produced in favour of the Restraint of Wages now proposed, appears to me by no means conclusive; nor can I believe that the meanest and most ignorant Seaman would, if it was proposed to him, hesitate a Moment for an Answer to it. Let me suppose, Sir, a Merchant urging it as a Charge against a Seaman, that he raises his Demand of Wages in Time of War, would not the Sailor readily reply, that harder Labour required larger Pay? Would he not ask, why the general Practice of Mankind is charged as a Crime upon him only? Enquire, says he, of the Workmen in the Docks, have they not double Wages for double Labour? And is not their Lot safe and easy in Comparison with mine, who at once encounter Danger and support Fatigue; carry on War and Commerce at the same time, to conduct the Ship and oppose the Enemy, and am equally exposed to Captivity and Shipwreck?

'That this is in reality the State of a Sailor in Time of War, I think, Sir, too evident to require Proof; nor do I see what Reply can be made to the Sailor's artless Expostulation.

'I know not why the Sailors alone should serve their Country to their Disadvantage, and be expected to encounter Danger without the Incitement of a Reward.

'Nor will any Part of the Hardships of this Clause be alleviated by the Expedient suggested by an Honourable Member, who spoke some time ago of granting, or allowing, to a Sailor, whose Contract shall be void, what our Courts of Law should adjudge him to deserve, a *Quantum meruit*. For, accord-

Anno 14. Geo.  
II. 1740.

according to the general Interpretation of our Statutes, it will be determined that he has forfeited his whole Claim by illegal Contract. To instance, Sir, the Statute of Usury: He that stipulates for higher Interest than is allowed, is not able to recover his legal Demand, but irrecoverably forfeits the whole.

‘ Thus, Sir, an unhappy Sailor, who shall innocently transgress this Law, must lose all the Profits of his Voyage, and have nothing to relieve him after his Fatigues; but when he has by his Courage repelled the Enemy, and by his Skill escaped Storms and Rocks, must suffer yet severer Hardships, in being subject to a Forfeiture where he expected Applause, Comfort, and Recompence.’

Mr. Ryder, (Attorney General.)

S I R,

Mr. Ryder.

‘ The Clause before us cannot, in my Opinion, produce any such dreadful Consequences as the learned Gentleman appears to imagine: However, to remove all Difficulties, I have drawn up an Amendment, which I shall beg leave to propose, That the Contracts, which may be affected as the Clause now stands, *shall be void only as to so much of the Wages as shall exceed the Sum to which the House shall agree to reduce the Seaman's Pay*; and as to the Forfeitures, they are not to be levied upon the Sailors, but upon the Merchants, or trading Companies, who employ them, and who are able to pay greater Sums without being involved in Poverty and Distress.

‘ With regard, Sir, to the Reasons for introducing this Clause, they are, in my Judgment, valid and equitable. We have found it necessary to fix the Rate of Money at Interest, and the Rate of Labour in several Cases; and if we do not in this Case, what will be the Consequence? A second Embargo on Commerce, and perhaps a total Stop to all military Preparations. Is it reasonable that any Man should rate his Labour according to the immediate Necessities of those that employ him? Or that he should raise his own Fortune by the public Calamities? If this has hitherto been a Practice, it is a Practice contrary to the general Happiness of Society, and ought to prevail no longer.

‘ If the Sailor, Sir, is exposed to greater Dangers in Time of War, is not the Merchant's Trade carried on likewise at greater Hazard? Is not the Freight, equally with the Sailors, threatened at once by the Ocean and the Enemy? And is not the Owner's Fortune equally impaired, whether the Ship is dashed upon a Rock, or seized by a Privateer?

The

The Merchants, therefore, have as much Reason for paying less Wages in Time of War, as the Sailor for demanding more, and nothing remains but that the Legislative Power determine a Medium between their different Interests, with Justice, if possible, at least with Impartiality.

Anno 14, Geo.  
II. 1740.

Mr. Horatio Walpole.

SIR,

I was unwilling to interrupt the Course of this Debate while it was carried on with Calmness and Decency, by Men who do not suffer the Ardour of Opposition to cloud their Reason, or transport them to such Expressions as the Dignity of this Assembly does not admit. I have hitherto deferr'd to answer the Gentleman who declaimed against the Bill with such Fluency and Rhetoric, and such Vehemence of Gesture, who charged the Advocates for the Expedients now proposed, with having no Regard to any Interest but their own, and with making Laws only to consume Paper, and threatened them with the Defection of their Adherents, and the Loss of their Influence, upon this new Discovery of their Folly, and their Ignorance.

Mr. Horatio  
Walpole.

Nor, Sir, do I now answer him for any other Purpose than to remind him how little the Clamour of Rage, and Petulance of Investives, contribute to the Purpose for which this Assembly is called together; how little the Discovery of Truth is promoted, and the Security of the Nation established by pompous Diction, and theatrical Emotion.

Formidable Sounds, and furious Declamations, confident Assertions, and lofty Periods, may affect the young and unexperienced, and perhaps the Gentleman may have contracted his Habits of Oratory by conversing more with those of his own Age, than with such as have had more Opportunities of acquiring Knowledge, and more successful Methods of communicating their Sentiments.

If the Heat of his Temper, Sir, would suffer him to attend to those whose Age and long Acquaintance with Business give them an indisputable Right to Deference and Superiority, he would learn, in Time, to reason rather than declaim, and to prefer Justness of Argument, and an accurate Knowledge of Facts, to sounding Epithets and splendid Superlatives, which may disturb the Imagination for a Moment; but leave no lasting Impression on the Mind.

He will learn, Sir, that to accuse and prove are very different, and that Reproaches, unsupported by Evidence, affect only the Character of him that utters them. Excursions of Fancy, and Flights of Oratory, are indeed pardonable in young Men, but in no other; and it would surely

Anno 14, Geo.  
II. 1740.

contribute more, even to the Purpose for which some Gentlemen appear to speak, that of depreciating the Conduct of the Administration, to prove the Inconveniencies and Injustice of this Bill, than barely to assert them, with whatever Magnificence of Language, or Appearance of Zeal, Honesty, or Compassion.

Mr. Pitt.

S I R,

Mr. Pitt.

‘ The atrocious Crime, of being a young Man, which the Honourable Gentleman has with such Spirit and Decency charged upon me, I shall neither attempt to palliate, nor deny, but content myself with wishing that I may be one of those whose Follies may cease with their Youth, and not of that Number who are ignorant in spite of Experience.

‘ Whether Youth can be imputed to any Man as a Reproach, I will not, Sir, assume the Province of determining; but surely Age may become justly contemptible, if the Opportunities which it brings have past away without Improvement, and Vice appears to prevail when the Passions have subsided. The Wretch that, after having seen the Consequences of a Thousand Errors, continues still to blunder, and whose Age has only added Obstinacy to Stupidity, is surely the Object of either Abhorrence or Contempt, and deserves not that his grey Head should secure him from Insults.

‘ Much more, Sir, is he to be abhorrd, who, as he has advanced in Age, has receded from Virtue, and becomes more wicked with less Temptation; who prostitutes himself for Money which he cannot enjoy, and spends the Remains of his Life in the Ruin of his Country.

‘ But Youth, Sir, is not my only Crime; I have been accused of acting a theatrical Part—A theatrical Part may either imply some Peculiarities of Gesture, or a Dissimulation of my real Sentiments, and an Adoption of the Opinions and Language of another Man.

‘ In the first Sense, Sir, the Charge is too trifling to be confuted, and deserves only to be mentioned, that it may be despised. I am at Liberty, like every other Man, to use my own Language; and though I may perhaps have some Ambition to please this Gentleman, I shall not lay myself under any Restraint, nor very solicitously copy his Diction, or his Mien, however matured by Age, or modelled by Experience.

‘ If any Man shall, by charging me with theatrical Behaviour, imply, that I utter any Sentiments but my own, I shall treat him as a Calumniator, and a Villain; nor shall any Protection shelter him from the Treatment which he deserves. I shall, on such an Occasion, without Scruple, trample upon all

all those Forms with which Wealth and Dignity intrench themselves, nor shall any Thing but Age restrain my Resentment; Age, which always brings one Privilege, that of being insolent and supercilious without Punishment.

Anno 14, Geo  
II. 1740.

But, with Regard, Sir, to those whom I have offended, I am of Opinion, that if I had acted a borrowed Part, I should have avoided their Censure; the Heat that offended them is the Ardour of Conviction, and that Zeal for the Service of my Country, which neither Hope nor Fear shall influence me to suppress. I will not sit unconcerned while my Liberty is invaded, nor look in Silence upon public Robbery — I will exert my Endeavours, at whatever Hazard, to repel the Aggressor, and drag the Thief to Justice, whoever may protect them in their Villany, and whoever may partake of their Plunder. — And if the Honourable Gentleman —

Mr. Winnington call'd to Order, and Mr. Pitt sitting down, he proceeded thus.

SIR,

It is necessary, that the Order of this Assembly be observed, and the Debate resumed without personal Altercations. Such Expressions as have been vented on this Occasion, become not an House entrusted with the Liberty and Welfare of their Country. To interrupt the Debate on a Subject so important as that before us, is, in some measure, to obstruct the public Happiness, and violate our Trust: But much more heinous is the Crime of exposing our Determinations to Contempt, and inciting the People to Suspicion or Mutiny, by indecent Reflections, or unjust Insinuations.

Mr. Winnington.

I do not, Sir, undertake to decide the Controversy between the two Gentlemen, but must be allowed to observe, that no Diversity of Opinion can justify the Violation of Decency, and the Use of rude and virulent Expressions; Expressions dictated only by Resentment, and uttered without Regard to —

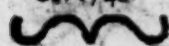
Here Mr. Pitt called to Order, and said,

SIR,

If this be to preserve Order, there is no Danger of Indecency from the most licentious Tongue; for what Calumny can be more atrocious, or what Reproach more severe, than that of speaking with Regard to any thing but Truth. Order may sometimes be broken by Passion, or Inadvertency, but will hardly be re-establish'd by Monitors like this, who cannot govern his own Passion, whilst he is restraining the Impetuosity of others.

Mr. Pitt

ANNO 14, GEO.  
II. 1740.



‘Happy, Sir, would it be for Mankind, if every one knew his own Province; we should not then see the same Man at once a Criminal and a Judge; nor would this Gentleman assume the Right of dictating to others what he has not learned himself.

‘That I may return in some Degree the Favour which he intends me, I will advise him never hereafter to exert himself on the Subject of Order; but whenever he finds himself inclined to speak on such Occasions, to remember how he has now succeeded, and condemn in Silence what his Censures will never perform.

Mr. Winnington.

SIR,

Mr. Winnington.

‘As I was hindered by the Gentleman’s Ardour and Impetuosity from concluding my Sentence, none but myself can know the Equity or Partiality of my Intentions, and therefore, as I cannot justly be condemn’d, I ought to be supposed innocent; nor ought he to censure a Fault of which he cannot be certain that it would ever have been committed.

‘He has indeed exalted himself to a Degree of Authority never yet assumed by any Member of this House, that of condemning others to Silence. I am henceforward, by his inviolable Decree, to sit and hear his Harangues without daring to oppose him. How wide he may extend his Authority, or whom he will proceed to include in the same Sentence, I shall not determine; having not yet arrived at the same Degree of Sagacity with himself, not being able to foreknow what another is going to pronounce.

‘If I had given Offence by any improper Sallies of Passion, I ought to have been censured by the concurrent Voice of the House, or have received a Reprimand, Sir, from you, to whom I should have submitted without Opposition; but I will not be doomed to Silence by one who has no Pretensions to Authority, and whose arbitrary Decisions can only tend to introduce Uproar, Discord and Confusion.’

Mr. Henry Pelham.

SIR,

Mr. Pelham.

‘When, in the Ardour of Controversy upon interesting Questions, the Zeal of the Disputants hinders them from a nice Observation of Decency and Regularity, there is some Indulgence due to the common Weakness of our Nature; nor ought any Gentleman to affix to a negligent Expression a more offensive Sense than is necessarily implied by it.

‘To search deep, Sir, for Calumnies and Reproaches is no laudable nor beneficial Curiosity; it must always be troublesome

some to ourselves, by alarming us with imaginary Injuries; Anno. 14, Geo. II. 1740.  
and may often be unjust to others, by charging them with In-  
vectives which they never intended. General Candour and  
mutual Tenderneſs will beſt preſerve our own Quiet, and ſup-  
port that Dignity which has always been accounted eſſential  
to national Debates, and ſeldom infringed without dangerous  
Conſequences.

Mr. Lyttleton.

SIR,

‘No Man can be more zealous for Decency than myſelf, Mr. Lyttleton  
or more convinced of the Neceſſity of a methodical Proſecu-  
tion of the Queſtion before us. I am well convinced how  
near Indecency and Faction are to one another, and how in-  
evitably Confuſion produces Obſcurity; but I hope it will  
always be remembered, that he who firſt infringes Decency,  
or deviates from Method, is to answer for all the Conſe-  
quences that may ariſe from the neglect of Parliamentary  
Cuſtoms. For it is not to be expected that any Man will bear  
Reproaches without Reply, or that he who wanders from  
the Queſtion will not be followed in his Digreſſions, and  
hunted through his Labyrinths.

‘It cannot, Sir, be denied, that ſome Inſinuations were ut-  
tered, injurious to thoſe whoſe Zeal may ſometimes happen  
to prompt them to warm Declarations, or to incite them to  
paſſionate Emotions. Whether I am of Importance enough  
to be included in the Censure, I deſpiſe it too much to enquire  
or conſider, but cannot forbear to obſerve, that Zeal for the  
right can never become reproachful, and that no Man can  
fall into Contempt but thoſe who deſerve it.’

[The Clause was amended and agreed to.]

Ordered, That all the Members of this Houſe, who are  
in and about the Town, do attend the Service of the Houſe  
upon Friday Morning next.

The 11th. The Houſe proceeded to take into Conſidera-  
tion the Copy of a Charter of the Turkey Company, and the  
ſeveral other Papers relating to the ſaid Company; and ſeveral  
Accounts were alſo read. Ordered, that a Bill be brought  
in for enlarging and regulating the Trade to the Levant  
Seas.

The 12th. Received a Petition of the Mayor and Common-  
alty of the City of York, complaining of the Decay of the  
Wollen Manufacture; and repreſenting to the Houſe, That  
a Law to oblige all Owners and Manufacturers of Wool, to  
reſiſter the ſame in the Pariſhes in which they reſide, by  
Perſons independent, and under no Influence, chargeable  
with

Anno 14, Geo. with a certain Sum to be paid only by those who export it  
 II. 1740. without being compleatly manufactured, seems to the Petitioners to be a most effectual Remedy to this great Evil; and therefore praying Relief, &c.

Agreed to the Report of the Bill for supplying some Defects in the Laws for repairing County-Bridges, and providing Houses of Correction: Ordered it to be engrossed.

Agreed to the Report of Yesterday's Resolutions on the Supply, viz. Resolved, That 105,275l. 18s. 8d. be granted for the Charge of Transports hired to carry Forces to America: That 124,564l. 8s. be granted for the Expence of Victuals, provided for the Soldiers employed in the Expeditions to America.

Farther Proceedings in the Seamen's Bill.

The 13th, being appointed for the Report from the Committee on the Bill for the Increase and Encouragement of Sailors, Sir John Barnard presented a Petition from the Merchants of London, and spoke as follows.

S I R,

Sir John Barnard

' This Petition I am directed to lay before this House by many of the principal Merchants of that great City which I have the Honour to represent; Men too wise to be terrified with imaginary Dangers, and too honest to endeavour the Obstructions of any Measures that may probably advance the public Good, merely because they do not concur with their private Interest; Men, whose Knowledge and Capacity enable them to judge rightly, and whose acknowledged Integrity and Spirit set them above the Suspicion of concealing their Sentiments.

' I therefore present this Petition in the Name of the Merchants of London, in full Confidence that it will be found to deserve the Regard of this House, though I am equally with the other Members a Stranger to what it contains; for it is my Opinion that a Representative is to lay before the House the Sentiments of his Constituents, whether they agree with his own or not, and that therefore it would have been superfluous to examine the Petition, which, though I might not wholly have approved it, I had no Right to alter.'

The Petition was read, and is as follows:

London Petition against it.

The humble Petition of the Merchants and Traders of the City of London sheweth,

That your Petitioners are informed a Bill is depending in this Hon. House, for the Encouragement and Increase of Seamen, and for the better and speedier Manning his Majesty's Fleet, in which are Clauses, that, should the Bill pass

pass into a Law, your Petitioners apprehend will be highly Anno 14, Geo  
 detrimental to the Trade and Navigation of this Kingdom, by 11. 1740.  
 discouraging Persons from entering into, or being bred to  
 the Sea Service, and entirely prevent the better and speedier  
 manning his Majesty's Fleet, by giving the Seamen of Great  
 Britain, and of all other his Majesty's Dominions, a Dis-  
 taste of serving on board the Royal Navy.

That your Petitioners conceive nothing can be of so bad  
 Consequence to the Welfare and Defence of this Nation, as  
 the treating so useful and valuable a Body of Men, who are  
 its natural Strength and Security, like Criminals of the  
 highest Nature, and so differently from all other his Ma-  
 jesty's Subjects; and at the same time are persuaded, that  
 the only effectual and speedy Method of procuring, for the  
 Service of his Majesty's Fleet, a proportionable Number of  
 the Sailors in this Kingdom, is to distinguish that Body of  
 Men by Bounties and Encouragements, both present and  
 future, and by abolishing all Methods of Severity and ill  
 Usage, particularly that Practice whereby they are deprived,  
 after long and hazardous Voyages, of enjoying for a short  
 Space of Time the Comforts of their Families, and equal  
 Liberty with other their Fellow Subjects in their Native  
 Country.

That your Petitioners believe, it will not be difficult to  
 have such Methods pointed out, as will tend to supply the  
 present Necessities, and at the same Time effectually pro-  
 mote the Increase of Seamen, when this Hon. House shall  
 think fit to enquire into a Matter of such high Importance  
 to the Naval Power, Trade, and Riches of this Kingdom.

That your Petitioners are convinced this Bill will not  
 only be ineffectual to answer the Ends proposed by it, but  
 will be destructive of the Liberties of all his Majesty's Sub-  
 jects, as it impowers any Parish Officer, accompany'd with  
 an unlimited Number of Persons, at any Hour, by Day or  
 by Night, to force open the Dwelling Houses, Warehouses,  
 or other Places, provided for the Security and Defence of  
 their Lives and Fortunes, contrary to the undoubted Liber-  
 ties of the People of Great Britain, and the Laws of this  
 Land.

In Consideration therefore of the Premises, and of the  
 particular Prejudices, Hardships, and Dangers, which must  
 inevitably attend your Petitioners, and all others the Mer-  
 chants and Traders of this Kingdom, should this Bill pass  
 into a Law, your Petitioners most humbly pray, the Ho-  
 nourable House, that they may be heard by their Counsel  
 against the said Clauses in the said Bill.

The said Petition was ordered to lie on the Table; and  
 the

Anno 14. Geo the Honourable Mr. Bathurst then presented a Petition, and  
 H. 1740. spoke as follows.

Mr. Bathurst.

S I R,

Mr. Bathurst.

‘ The Alarm which the Bill now depending has raised, is not confined to the City of London, or to any particular Province of his Majesty’s Dominions; the whole Nation is thrown into Commotions, and the Effects of the Law now proposed are dreaded far and wide as a general Calamity. Every Town which owes its Trade and its Provisions to Navigation, apprehends the Approach of Poverty and Scarcity, and those which are less immediately affected, consider the Infraction of our Liberties as a Prelude to their Destruction. Happy would it be, if we who are entrusted with their Interest, could find any Arguments to convince them that their Terror was merely panic.

‘ That these Fears have already extended their Influence to the County which I represent, the Petition which I now beg Leave to lay before the House, will sufficiently evince, and I hope their Remonstrances will prevail with this Assembly to remove the Cause of their Disquiet, by rejecting the Bill.’

Gloucester Petition.

This, was entitled a Petition of several Gentlemen, Freeholders, and other Inhabitants of the County of Gloucester, in Behalf of themselves and all other the Freeholders of the said County, setting forth in Substance.

That the Petitioners being inform’d that a Bill was depending in this House, for the Encouragement and Increase of Seamen, and for the better and speedier manning his Majesty’s Fleet, containing several Clauses, which, should the Bill pass into a Law, would, as the Petitioners apprehend, impose Hardships upon the People too heavy to be borne, and create Discontents in the Minds of his Majesty’s Subjects; would subvert all the Rights and Privileges of a Briton, and overturn Magna Charta itself, the Basis on which they are built; and by these means destroy that very Liberty, for the Preservation of which the present Royal Family was established upon the Throne of Great Britain; for which Reasons such a Law could never be obeyed, or much Blood would be shed in Consequence of it.

Mr. Henry Pelham.

S I R,

Mr. Pelham.

‘ I have attended to this Petition with the utmost Impartiality, and have endeavoured to affix to every Period the most innocent Sense, but cannot forbear to declare it as my  
 Opi-

Opinion that it is far distant from the Stile of Submission and Request; instead of persuading, they attempt to intimidate us, and menace us with no less than Bloodshed and Rebellion. They make themselves the Judges of our Proceedings, and appeal from our Determinations to their Opinion, and declare that they will obey no longer than they approve.

Anno 14, Geo  
11. 1740.

‘ If such Petitions as these, Sir, are admitted; if the Legislature shall submit to receive Laws, and Subjects resume at Pleasure the Power with which the Government is vested, what is this House but a Convention of empty Phantoms; whose Determinations are nothing more than a Mockery of State?

‘ Every Insult upon this House is a Violation of our Constitution; and the Constitution, like every other Fabric, by being often battered, must fall at last. It is indeed already destroyed, if there be in the Nation any Body of Men who shall with Impunity refuse to comply with the Laws, plead the great Charter of Liberty against those Powers that made it, and fix the Limits of their Obedience.

‘ I cannot, Sir, pass over in Silence the Mention of his Majesty, whose Title to the Throne, and the Reasons for which he was exalted to it, are set forth with uncommon Art and Spirit of Diction, but Spirit, which, in my Opinion, appears not raised by Zeal, but by Sedition, and which therefore it is our Province to repress.

‘ That his Majesty reigns for the Preservation of Liberty, will be readily confessed, but how shall we be able to preserve it, if his Laws are not obeyed?

‘ Let us therefore, in regard to the Dignity of this House, to the Efficacy of our Determinations, and the Security of our Constitution, discourage all those who shall address us for the future on this or any other Occasion, from speaking in the Stile of Governors and Dictators, by refusing that this Petition should be laid on the Table.’

The Question was put, and it was agreed that it should not lye on the Table; Ayes 144, Noes 196.

Mr. Henry Pelham rose up again, and spoke thus:

SIR,

‘ I cannot but congratulate the House upon the Unanimity with which this Petition, a Petition of which I speak in the softest Language, when I call it irreverent and disrespectful, has been refused the Regard commonly paid to the Remonstrances of our Constituents, whose Rights I am far

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from

Mr. Henry  
Pelham.

Anno 14, Geo from desiring to infringe, when I endeavour to regulate their  
 II. 1740 Conduct, and recal them to their Duty.

• This is an Occasion, on which it is, in my Opinion, necessary to exert our Authority with Confidence and Vigour, as the Spirit of Opposition must always be proportioned to that of the Attack. Let us therefore not only refuse to this Petition the usual Place on our Table, but reject it as unworthy of this House.

[The Question was put and the Petition rejected.]

The House then entered upon the Consideration of the Bill, and when the Report was made from the Committee, and the Blanks fill'd up, Sir William Yonge spoke in the following Manner :

S I R,

Sir William  
 Yonge.

• The Bill has been brought by steady Perseverance and diligent Attention to such Perfection that much more important Effects may be expected from it than from any former Law for the same Purpose, if it be executed with the same Calmness and Resolution, the same Contempt of popular Clamour, and the same invariable and intrepid Adherence to the public Good, that has been shewn in forming and defending it.

• But what can we hope from this or any other Law, if particular Men, who cannot be convinc'd of its Expedience, shall not only refuse to obey it, but declare their Design of obstructing the Execution of it? shall determine to retire from the Sphere of their Authority, rather than exercise it in Compliance with the Decree of the Senate, and threaten in plain Terms to call the Country in to their Assistance, and to pour the Rabble by Thousands upon those who shall dare to do their Duty, and obey their Governors?

• Such Declarations as these, Sir, are little less than Sallies of Rebellion, and if they pass without Censure, will perhaps produce such Commotions as may require to be suppressed by other Means than Forms of Law and Parliamentary Censures.

• Nor do I think that by rejecting the Petition, we have sufficiently establish'd our Authority; for, in my Opinion, we yielded too much in receiving it. The Bill before us, whatever may be its Title, is in reality a Money-Bill, a Bill by which Aids are granted to the Crown, and we have therefore no Necessity of rejecting Petitions on this Occasion, because the standing Orders of the House forbid us to admit them.

They

They then proceeded to the Amendments, and when the Clause for limiting the Wages of Seamen was read, Sir John Barnard rose up, and spoke to this Effect. Anno 14, Geo. II. 1740.

S I R,

‘ We are now to consider the Clause to which the Petition relates which I have now presented, a Petition on a Subject of so general Importance, and offer’d by Men so well acquainted with every Argument that can be offer’d, and every Objection that can be rais’d, that their Request of being heard by their Council, cannot be denied, without exposing us to the Censure of adhering obstinately to our own Opinions, of shutting our Ears against Information, of preferring Expedients to Security, and disregarding the Welfare of our Country. Sir John Barnard.

‘ It will not be necessary, to defer our Determinations on this Clause for more than three Days, tho’ we should gratify this just and common Request. And will not this Loss be amply compensated by the Satisfaction of the People, for whose Safety we are debating, and by the Consciousness that we have neglected nothing which might contribute to the Efficacy of our Measures ?

‘ The Merchants, Sir, do not come before us with loud Remonstrances and harrassing Complaints, they do not apply to our Passions but our Understandings, and offer such Informations as will very much facilitate the public Service. It has been frequent, in the Course of this Debate, to hear loud Demands for better Expedients, and more efficacious than those which have been propos’d, and is it to be conceived that those who called thus eagerly for new Proposals intended not to inform themselves but to silence their Opponents ?

‘ From whom, Sir, are the best Methods for the Prosecution of naval Affairs to be expected, but from those whose Lives are spent in the Study of Commerce ? whose Fortunes depend upon the Knowledge of the Sea, and who will most probably exert their Abilities in contriving Expedients to promote the Success of the War, than they whom the Mis-carriage of our Fleets must irreparably ruin ?

‘ The Merchants, Sir, are enabled by their Profession to inform us, are deter’d by their Interest from deceiving us ; they have, like all other Subjects, a Right to be heard on any Question, and a better Right than any other when their Interest is more immediately affected ; and therefore to refuse to hear them, will be at once impolitic and cruel ; it will discover at the same time a Contempt of the most valuable Part of our Fellow-subjects, and an inflexible Adherence to our own Opinions.

Anno 14, Geo  
II. 740.



' The Expedient of asserting this to be a Money-Bill, by which the just Remonstrances of the Merchants are indeed to be eluded, is too trivial and gross to be adopted by this Parliament; if this Bill can be termed a Money-Bill, and no Petitions are therefore to be admitted against it, I know not any Bill relating to the general Affairs of the Nation which may not plead the same Title to an Exemption from Petitions.

' I therefore desire that the Consideration of this Clause may be deferred for two Days, that the Arguments of the Merchants may be examined, and that this Affair may not be determined without the clearest Knowledge and exactest Information.'

Sir Robert Walpole.

S I R,

Sir Robert  
Walpole.

' The Petition, whether justifiable or not, with Regard to the Occasion on which it is presented, or the Language in which it is expressed, is certainly offered at an improper Time, and therefore can lay no Claim to the Regard of this House.

' The Time prescribed by the Rules of this House for the Reception of Petitions is that, at which the Bill is first introduced, not at which it is to be finally determined.

' The Petition before us is said not to regard the Bill in general, but a particular Clause; and it is therefore asserted, that it may now properly be heard; but this Plea will immediately vanish, when it shall be made appear that the Clause is not mentioned in it, and that there is no particular Relation between that and the Petition, which I shall attempt—

Sir John Barnard.

S I R,

Sir John  
Barnard.

' I rise thus abruptly, to preserve the Order of this House, and to prevent any Gentleman from having in this Debate any other Advantage above the rest, than that of superior Abilities, or more extensive Knowledge.

' The Petition was not ordered by the House to be placed in the Right Honourable Gentleman's Hand, but on the Table; nor has he a Right to make use of any other Means for his Information, than are in the Power of any other Member: If he is in Doubt upon any Particulars contained in it, he may move, that the Clerk should read it to the House.'

[Sir Robert Walpole laid down the Paper.]

Mr.

Mr. Henry Pelham,

Anno 14, Geo.  
II 1748.

S I R,

I am so far from thinking the Rules of the House asserted, that, in my Opinion, the Right of the Member is infringed by this peremptory Demand. Is it not in the highest Degree requisite, that he who is about to reason upon the Petition, should acquaint himself with the Subject on which he is to speak?

Mr. Henry  
Pelham,

What Inconveniences can ensue from such Liberties as this, I am not able to discover, and as all the Orders of the House are, doubtless, made for more easy and expeditious Dispatch; if an Order be contrary to this End, it ought to be abrogated for the Reasons for which others are observed.

The Confidence with which this Petition was presented, will not suffer us to imagine that the Person who offer'd it fears that it can suffer by a close Examination, and, I suppose, though he has spoken so warmly in Favour of it without perusing, he does not expect that others should with equal Confidence admit——

Sir John Barnard observing that Sir Robert Walpole leaned forward towards the Table, to read the Petition as it lay, rose, and said,

S I R,

I rise once more to demand the Observation of the Order of the House, and to hinder the Right Honourable Genl. Barnard from doing by Stratagem, what he did more openly and honestly before.

It was to little Purpose that he laid down the Petition, if he placed it within the reach of his Inspection; for I was only desirous, Sir, to hinder him from reading, and was far from suspecting that he would take it away. I insist, that henceforward he obey the Rules of this House with his Eyes as well as with his Hands, and take no Advantage of his Seat, which may enable him to perplex the Question in Debate.

The Speaker,

S I R,

It is undoubtedly required by the Orders of the House, The Speaker, that the Petitions should lie upon the Table, and that any Member, who is desirous of any farther Satisfaction, should move, that they be read by the Clerk, that every Member may have the same Opportunity of understanding and considering them, and that no one may be excluded from Information

Anno 14. Geo II. 1740. mation by the Curiosity or Delays of another. But the Importance of this Affair seems not to be so very great as to require a rigorous Observance of the Rules; and it were to be wished, for the Ease and Expedition of our Deliberations, Gentlemen would rather yield Points of Indifference to one another, than insist so warmly on Circumstances of a trivial Nature.

Sir Robert Walpole then desired that the Clerk might read the Petition, which being immediately done, he proceeded in the following Manner.

Sir Robert Walpole.

Sir Robert  
Walpole.

SIR,

‘ Having sat above forty Years in this Assembly, and never been called to Order before, I was somewhat disconcerted by a Censure so new and unexpected, and, in my Opinion, undeserved. So that I am somewhat at a Loss, with regard to the Train of Arguments which I will now endeavour to recover. Yet I cannot but remark, that those Gentlemen who are so solicitous for Order in others, ought themselves invariably to observe it; and that, if I have once given an unhappy Precedent of violating the Rules of this House, I have, in some Measure, atoned for my Inadvertence, by a patient Attention to Reproof, and a ready Submission to Authority.

‘ I hope, Sir, I may claim some Indulgence from the Motive of my Offence, which was only a Desire of Accuracy, and an Apprehension that I might, by mistaking or forgetting some Passages in the Petition, lose my own Time, and interrupt the Proceedings of the House to no Purpose.

‘ But having now, according to Order, heard the Petition, and found no Reason to alter my Opinion, I shall endeavour to convince the House, that it ought not to be granted.

‘ The Petition, Sir, is so far from bearing any particular Relation to the Clause now before us, that it does not in any Part mention the Expedient proposed in it, but contains a general Declaration of Discontent, Suspicion, Apprehensions of dangerous Proceedings, and Dislike of our Proceedings: Insinuations, Sir, by no Means consistent with the Reverence due to this Assembly, and which the Nature of civil Government requires always to be paid to the legislative Power.

‘ To suspect any Man, Sir, in common Life, is in some Degree to detract from his Reputation, which must suffer in Proportion to the supposed Wisdom and Integrity of him who declares his Suspicion. To suspect the Conduct of this House,

House, is to invalidate their Decisions, and subject them to Contempt and Opposition. Anno 14, Geo. II. 1740.

Such and such only appears to be the Tendency of the Petition which has now been read; a Petition, Sir, very unskilfully drawn, if it was intended against the Clause under our Consideration, for it has not a single Period or Expression that does not equally regard all the other Clauses.

If any particular Objection is made, or any single Grievance more distinctly pointed at, it is the Practice of Impresses; a Hardship I own peculiar to the Sailors; but it must be observed, that it is a Practice established by immemorial Custom, and a Train of Precedents not to be numbered; and it is well known that the whole common Law of this Nation is nothing more than Custom, of which the Beginning cannot be traced.

Impresses, Sir, have in all Ages been issued out by virtue of the Royal Prerogative, and have in all Ages been obeyed; and if this Exertion of that Authority had been considered as a Method of Severity not compensated by the Benefits which it produces, we cannot imagine but former Parliaments, amidst all their Ardour for Liberty, all their Tenderness for the People, and all their Abhorrence of the Power of the Crown, would have obviated it by some Law, at those Times when nothing could have been refused them.

The proper Time for new Schemes and long Deliberations, for amending our Constitution, and removing inveterate Grievances, are the Days of Prosperity and Safety, when no immediate Danger presses upon us, nor any public Calamity appears to threaten us; but when War is declared, when we are engaged in open Hostilities against one Nation, and expect to be speedily attacked by another, we are not to try Experiments, but apply to dangerous Evils those Remedies, which, though disagreeable, we know to be efficacious.

And though, Sir, the Petitioners had been more particular, I cannot discover the Reasonableness of hearing them by their Council; for to what Purpose are the Lawyers to be introduc'd? not to instruct us by their Learning, for their Employment is to understand the Laws that have been already made; and support the Practices which they find established. But the Question before us relates not to the past but the future; nor are we now to examine what has been done in former Ages, but what it will become us to establish on the present Occasion: A Subject of Enquiry on which this House can expect very little Information from the Professors of the Law!

Perhaps

Anno 14, Geo.  
II. 1740.

Perhaps the Petitioners expect from their Council, that they should display the Fecundity of their Imagination, and the Elegance of their Language; that they should amuse us with the Illusions of Oratory, dazzle us with bright Ideas, affect us with strong Representations; and lull us with harmonious Periods; but if it be only intended that just Facts and valid Arguments should be laid before us, they will be received without the Decorations of the Bar. For this End, Sir, it would have been sufficient had the Merchants informed their Representatives of the Methods which they have to propose; for the Abilities of the Gentlemen whom the City has deputed to this House, are well known to be such as stand in need of no Assistance from occasional Orators. Nor can it be expected that any Men will be found more capable of understanding the Arguments of the Merchants, or better qualified to lay them before the House.

That every Petitioner has (except on Money-Bills) a Right to be heard, is undoubtedly true; but it is no less evident that this Right is limited to a certain Time, and that on this Occasion the proper Time is elapsed. Justice is due both to Individuals and to the Nation; if Petitions may at any Time be offer'd, and are whenever offer'd to be heard, a small Body of Men might, by unseasonable and importunate Petitions, retard any occasional Law, till it should become unnecessary,

Petitions, Sir, are to be offer'd when a new Bill is brought into the House, that all useful Information may be obtained; but when it has pass'd thro' the Examination of the Committees, has been approved by the Collective Wisdom of the Parliament, and requires only a formal Ratification to give it the Force of Law, it is neither usual nor decent to offer Petitions, or declare any Dislike of what the Parliament has admitted.

We are not, when we have proceeded thus far, to suffer Pleaders to examine our Conduct, or vary our Determinations, according to the Opinions of those whom we ought to believe less acquainted with the Question than ourselves: Should we once be reduced to ask Advice, and submit to Dictators, what would be the Reputation of this House in foreign Courts, or in our own Country? What could be expected but that our Enemies of every kind would endeavour to regulate our Determinations by bribing our Instructors.

Nor can I think it necessary that Lawyers should be employed in laying before us any Scheme which the Merchants may propose, for supplying the Defects and redressing the Inconveniencies of the Laws, by which Sailors are at present levied for the Royal Navy; for how should Lawyers be

be more qualified than other Men, to explain the particular Anno 14, Geo. Advantages of such Expedients, or to answer any Objections which may happen to arise? II. 174.

It is well known that it is not easy for the most happy Speaker to impress his Notions with the Strength with which he conceives them; and yet harder is the Task of transmitting imparted Knowledge, of conveying to others those Sentiments which we have not struck out by our own Reflection, nor collected from our own Experience, but received merely from the Dictates of another.

Yet such must be the Information that Lawyers can give us, who can only relate what they have implicitly received, and weaken the Arguments which they have heard, by an imperfect Recital.

Nor do I only oppose the Admission of Lawyers to our Bar, but think the Right of the Merchants themselves in the present Case very questionable; for tho' in general it must be allowed, that every Petitioner has a Claim to our Attention; yet it is to be enquired whether it is likely that the public Happiness is his chief Concern, and whether his private Interest is not too much affected to suffer him to give impartial Evidence, or honest Information. Scarcely any Law can be made by which some Man is not either impoverished, or hindered from growing rich; and we are not to listen to Complaints, of which the Foundation is so easily discovered, or imagine a Law less useful, because those who suffer some immediate Inconvenience from it, do not approve it.

The Question before us is required by the present Existence of our Affairs to be speedily decided; and tho' the Merchants have, with great Tenderness, Compassion, and Modesty, condescended to offer us their Advice, I think Expedition preferable to any Information that can reasonably be expected from them, and that, as they will suffer in the first Place by any Misconduct of our naval Affairs, we shall shew more Regard to their Interest by manning our Fleet immediately, than by waiting three or four Days for farther Instructions.

Mr. Sandys.

SIR,

The Merchants of London, whether we consider their Numbers, their Property, their Integrity, or their Wisdom, are a Body of too much Importance to be thus contemptuously rejected; rejected when they ask nothing that can be justly denied to the meanest Subject of the Kingdom; when

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they

Anno 14, Geo. II. 1740. they propose to speak on nothing but what their Profession enables them to understand.

‘ To no Purpose is it urged, that the Bill is far advanced ; for if we have not proceeded in the right way, we ought to be in more Haste to return, in Proportion as we have gone farther ; nor can I discover why we should expedite, with so much Assiduity, Measures which are judged ineffectual, by those who know their Consequences best, and for whose Advantage they are particularly designed.

‘ That we have already spent so much Time in considering Methods for manning the Fleet, is surely one Reason why we should endeavour at last to establish such as may be effectual ; nor can we hope to succeed without a patient Attention to their Opinion, who must necessarily be well experienced in naval Affairs.

‘ It is surely therefore neither prudent nor just to shut out Intelligence from our Assemblies, and ridicule the good Intention of those that offer it ; to consult upon the best Expedients for encouraging and increasing Sailors, and when the Merchants offer their Scheme, to treat them as saucy, impertinent, idle Medlers, that assume ———.

Mr. (Attorney General) Ryder called him to Order, and spoke after this manner :

S I R,

Mr. Ryder.

‘ It is not very consistent to press the Dispatch of Business, and to retard it at the same time by invidious Insinuations, or unjust Representations of Arguments or Expressions ; whenever any Expression is censured, it ought to be repeated in the same Words ; for otherwise does not the Animadverter raise the Phantom that he encounters ? Does he not make the Stain, which he endeavours with so much officious Zeal to wipe away ?

‘ That no Epithets of Contempt or Ridicule have in this Debate been applied to the Merchants, nor any Violation of Decency attempted, it is unnecessary to prove ; and therefore it is neither regular nor candid to represent any Man as aggravating the Refusal of their Petition with Reproaches and Insults. But not to dwell longer on this Incident, I will take the Liberty of reminding the Gentleman, that personal Investives are always at least superfluous, and that the Business of the Day requires rather Arguments than Satire.’

Mr. Sandys.

S I R,

Mr. Sandys.

‘ I am by no means convinced that the learned Gentleman who charges me with Irregularity, is better acquainted than

than myself with the Rules and Customs of this House, Anno 14, Geo. II. 1740.  
 which I have studied with great Application, assisted by long Experience. I hope, therefore, it will be no inexcusable Presumption, if, instead of a tacit Submission to his Censure, I assert, in my own Vindication, that I have not deviated from the established Rules of Parliament; that I have spoken only in Defence of Merit insulted; and that I have condemned only such injurious Insinuations; I did not, Sir, attempt to repeat Expressions, as ought not to be heard without Reply.

The Speaker.

SIR,

‘ I believe the Gentleman either heard imperfectly, or The Speaker. misunderstood those Expressions, which he so warmly condemns, for nothing has been uttered that could justly excite his Indignation. My Office obliges me on this Occasion to remark, that the Regard due to the Dignity of the House ought to restrain every Member from Digressions into private Satire; for in Proportion, as we proceed with less Decency, our Determinations will have less Influence.

Mr. Henry Pelham.

SIR,

‘ The Reputation which the Honourable Gentleman has Mr. Pelham. acquired by his uncommon Knowledge of the Usages of Parliament, is too well founded to be shaken; nor was any Attack upon his Character intended, when he was interrupted in the Prosecution of his Design. To censure any indecent Expression by whomsoever uttered, is doubtless consistent with the strictest Regularity; nor is it less improper to obviate any Misrepresentation which Inattention or Mistake may produce.

‘ I am far, Sir, from thinking that the Gentleman’s Indignation was excited rather by Malice than Mistake; but Mistakes of this kind may produce Consequences which cannot be too cautiously avoided. How unwillingly would that Gentleman propagate thro’ the Nation an Opinion that the Merchants were insulted in this House, their Interest neglected, and their Intelligence despised, at a Time when no Aspersions were thrown upon them, nor any thing intended but Tendernefs and Regard? And yet such had been the Representation of this Day’s Debate, which this numerous Audience would have conveyed to the Populace, had not the Mistake been immediately rectified, and the Rumour crushed in the Birth.

Q q 2

‘ Nothing.

Anno 14, Geo  
II. 1740.

Nothing, Sir, can be more injurious to the Character of this House, by which the People are represented, than to accuse them of treating any Class of Men with Insolence and Contempt; and too much Diligence cannot be used in obviating a Report which cannot be spread in the Nation, without giving Rise to Discontent, Clamours, and Sedition.

Those who shall be inclined to reject the Petition, may perhaps act with no less Regard to the Merchants, and may promote their Interest and their Security with no less Ardour than those who most solicitously labour for its Reception. For, if they are not allowed to be heard, it is only because the public Interest requires Expedition, and because every Delay of our Preparations is an Injury to Trade.

That this is not a proper Time for Petitions against the Bill to be heard, is universally known, and I can discover nothing in the Petition that restrains it to this particular Clause, which is so far from being specified, that it appears to be the only Part of the Bill of which they have had no Intelligence.

Let the warmest Advocates for the Petition point out any Part of it that relates to this single Clause, and I will retract my Assertion; but as it appears that there are only general Declarations of the Inexpediency of the Measures proposed, and the pernicious Tendency of the Methods now in Use, what is the Petition, but a Complaint against the Bill, and a Request that it should be laid aside?

The Practice of Impresses, Sir, is particularly censured, as severe and oppressive; a Charge which, however true, has no Relation to this Clause, which is intended to promote the voluntary Engagement of Sailors in the Service of the Crown; yet it may not be improper to observe, that as the Practice of impressing, is, in itself very efficacious, and well adapted to sudden Emergencies, as it has been established by a long Succession of Ages, and is therefore become almost a Part of our Constitution; and as it is at this Time necessary to supply the Navy with the utmost Expedition, it is neither decent nor prudent to complain too loudly against, or to heighten the Discontent of the People at a necessary Evil.

We have, Sir, examined every Part of this Bill with the Attention which the Defence of the Nation requires; we have soften'd the Rigour of the Methods first proposed, and admitted no Violence or Hardship that is not absolutely necessary to make the Law effectual, which, like every other Law, must be executed by Force, if it be obstructed or opposed. We have inserted a great Number of Amendments, proposed by those who are represented as the most anxious Guardians of the Privileges of the People, and it is not surely

to no Purpose that the great Council of the Nation has so long and so studiously labour'd, Anno 14, Geo. II. 1740.

Those who are chosen by the People to represent them, have undoubtedly, Sir, some Claim as Individuals to their Confidence and Respect; for to imagine that they have committed the great Charge of parliamentary Employments, that they have trusted their Liberties and their Happiness to those whose Integrity they suspect, or whose Understandings they despise, is to imagine them much more stupid than they have been represented by those who are censur'd as their Enemies.

But far different is the Regard due to the Determinations formed by the collective Wisdom of the Parliament; a Regard which ought to border upon Reverence, and which is scarcely consistent with the least Murmur of Dissatisfaction.

If we are to hear the present Petitioners, is it not probable that before we have dispatch'd them, we shall be sollicitated by others, who will then plead the same Right, supported by a new Precedent? And is it not possible that by one Interruption upon another, our Measures may be delayed, till they shall be ineffectual?

It seems to me to be of much more Importance to defend the Merchants than to hear them, and I shall therefore think no Concessions at this Time expedient, which may obstruct the great End of our Endeavours, the Equipment of the Fleet.

Mr. Pulteney,

SIR,

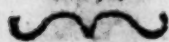
Notwithstanding the Art and Eloquence with which the Mr. Pulteney, Grant of the Merchants Petition has been opposed, I am not yet able to discover that any thing is asked unreasonable, unprecedented, or inconvenient; and I am confident, that no real Objection can have been over-look'd by the Gentlemen who have spoken against it.

I have spent, Sir, thirty five Years of my Life in the Parliament, and know that Information has always upon important Questions been willingly received; and it cannot surely be doubted that the Petitioners are best able to inform us of naval Business, and to judge what will be the right Method of reconciling the Sailors to the public Service, and of supplying our Fleets without injuring our Trade.

Their Abilities and Importance have been hitherto so generally acknowledged, that no Parliament has yet refused to attend to their Opinion, and surely we ought not to be ambitious of being the first House of the Representatives of the People, that has refused an Audience to the Merchants.

With

Anno 14, Geo.  
II 1740



‘ With regard to the Expedients of delaying the Bill at the present Conjuncture; he must think very contemptuously of the Petitioners, who imagines that they have nothing to offer that will counter-balance a Delay of two Days, and must entertain an elevated Idea of the Vigilance and Activity of our Enemies, Enemies never before eminent for Expedition, if he believes that they can gain great Advantages in so short a Time.

‘ The chief Reason of the Opposition appears, indeed, not to be either the Irregularity or Inexpediency of hearing them, but the Offence which some have received from an irreverent Mention of the Power of Impressing; a Power which never can be mentioned without Complaint or Detestation.

‘ It is not, indeed, impossible that they may intend to represent to the House, how much the Sailors are oppressed, how much our Commerce is impeded, and how much the Power of the Nation is exhausted by this cruel Method. They may propose to shew that Sailors, not having the Choice of their Voyages, are often hurried through a sudden Change of Climates from one Extreme to another, and that nothing can be expected from such Vicissitudes, but Sicknefs, Lameness, and Death. They may propose, that to have just arrived from the South may be pleaded as an Exemption from an immediate Voyage to the North, and that the Seaman may have some time to prepare himself for so great an Alteration, by a Residence of a few Months in a temperate Climate.

‘ If this should be their Intention, it cannot, in my Opinion, Sir, be call’d either unreasonable, or disrespectful, nor will their Allegations be easily disproved.

‘ But it is insinuated that their Grievances are properly such as affect them only as distinct from the rest of the Community, and that they have nothing to complain of but a temporary Interruption of their private Advantage.

‘ I have, indeed, no Idea of the private Advantage of a legal Treader. For unless, Sir, we neglect our Duty of providing that no Commerce shall be carried on to the Detriment of the Public, the Merchants Profit must be the Profit of the Nation, and their Interests inseparably combined.

‘ It may, however, be possible, that the Merchants may, like other Men, prefer their immediate to their greater Advantage, and may be impatient of a painful Remedy, tho’ necessary to prevent a more grievous Evil. But let us not censure them by Suspicion, and punish them for a Crime which it is only possible they may commit; let us, Sir, at least, have all the Certainty that can be obtained, and allow them

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an Audience; let us neither be so positive as not to receive Information, nor so rigorous as not to listen to Entreaties. Anno 14, Geo II. 1740.

‘ If the Merchants have nothing to offer, nothing but Complaints; and can propose no better Measures than those which they lament; if their Arguments should be found to regard only their present Interest, and to be formed upon narrow Views and private Purposes, it will be easy to detect the Imposture, and reject it with the Indignation it shall deserve; nor will our Proceedings be then censured by the Nation, which requires not that the Merchants should be implicitly believed, though it expects they should be heard. Let us at least have a Convention, tho’ we should not be able to conclude a Treaty.

‘ I know not, Sir, why we have not taken care to obviate all these Difficulties, and to remove the Necessity of Petitions, Debates, Searches and Impresses, by the plain and easy Method of a voluntary Register; by retaining such a Number of Seamen as may properly be requisite upon sudden Emergencies. Would not the Nation with more Chearfulness contribute Half-pay to those who are daily labouring for the public Good, than to the Caterpillars of the Land-Service, that grow old in Laziness, and are disabled only by Vice?

‘ Let ten thousand Men receive daily a small Salary, upon Condition that they shall be ready, whenever call’d upon, to engage in the Service of the Crown, and the Difficulty of our Naval Preparations will be at an End.

‘ That it is necessary to exert ourselves on this Occasion, and to strike out some Measures for securing the Dominion of the Ocean, cannot be denied by any one who considers that we have now no other Pretensions to maintain; that all our Influence on the Continent, at whatever Expence gained and supported, is now in a manner lost, and only the Reputation of our naval Strength remains to preserve us from being trampled and insulted by every Power, and from finding Spaniards in every Climate.’

Sir William Yonge.

SIR,

‘ The Violence and Severity of Impresses, so often and so pathetically complained of, appears to be now nothing more than a Punishment inflicted upon those who neglect or refuse to receive the Encouragement offered with the utmost Liberality by the Government, and decline the Service of their Country from a Spirit of Avarice, Obstinacy, or Resentment.

‘ That such Men deserve some Severities, cannot be doubted, and therefore a Law by which no Penalty should be enacted,

Anno 14, Geo  
II. 1740.

enacted, would be imperfect and ineffectual. The Observation, Sir, of all Laws is to be enforced by Rewards on one Side, and Punishments on the other, that every Passion may be influenced, and even our Weakness made instrumental to the Performance of our Duty.

‘ In the Bill before us no Punishment is indeed expressly decreed, because the Sailors who shall disregard it, are only left to their former Hardships, from which those who engage voluntarily in the Service of the Navy are exempted.

‘ Why so many Rewards and so much Violence should be necessary to allure or force the Sailors into the public Service, I am unable to comprehend. For, excepting the sudden Change of Climates which may doubtless sometimes bring on Distempers, the Service of the King has no Disadvantages which are not common to that of the Merchants.

‘ The Wages in the Navy are indeed less, but then it is to be remembered, that they are certainly paid, and that the Sailor is in less Danger of losing by a Tempest, or a Wreck, the whole Profits of his Voyage, because, if he can preserve his Life, he receives his Pay. But in trading Voyages, the Seamen mortgage their Wages, as a Security for their Care, which, if the Ship is lost, they are condemned to forfeit.

‘ Thus, Sir, the Hardships of the Navy appear not so great when compared with those of the Merchants Service, as they have been hitherto represented; and I doubt not, that if Counsellors were to be heard on both Sides, the Measures taken for supplying the Fleet would be found to be reasonable and just.

Sir John Barnard rose to speak, when Mr. Fox called to Order, and proceeded thus.

S I R,

Mr. Fox.

‘ It is well known to be one of the standing and unvariable Orders of this House, that no Member shall speak twice in a Debate on the same Question, except when, for greater Freedom, we resolve ourselves into a Committee. Upon this Question, the Honourable Gentleman has already spoken, and cannot therefore be heard again, without such a Transgression of our Orders as must inevitably produce Confusion.’

Sir John Barnard,

S I R,

Sir John  
Barnard.

‘ I know not for what Reason the Honourable Gentleman apprehends any Violation of the Order of the House; for as I have not yet spoken upon the present Question, I have

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an undoubted Right to be heard; a Right which that Gentle- Anno 14, Geo.  
man cannot take away. II. 1740.

Sir William Yonge.

S I R,

‘ I know not by what secret Distinction the Gentleman Sir William  
supports in his own Mind this Declaration, which, to the Yonge.  
whole-House must appear very difficult to be defended; for  
we must, before we can admit it, allow our Memories to have  
forsaken us, and our Eyes and Ears to have been deceived.

‘ Did he not, as soon as the Clause before us was read, rise  
and assert the Characters of the Petitioners, and their Right  
to the Attention of the House? Did he not dwell upon their  
Importance, their Abilities, and their Integrity; and enforce,  
with his usual Eloquence, every Motive to the Reception of  
the Petition? How then can he assert that he has not spoken  
in the present Debate, and how can he expect to be heard a  
second Time, since however his Eloquence may please, and  
his Arguments convince, that Pleasure and Conviction can-  
not now be obtained, without infringing the standing Orders  
of the House.’

Mr. Speaker.

S I R,

‘ It is not without Uneasiness that I see the Time of the Mr. Speaker.  
House, and of the Public, wasted in fruitless Cavils and un-  
necessary Controversies. Every Gentleman ought now to  
consider that we are consulting upon no trivial Question, and  
that Expedition is not less necessary than Accuracy. It can-  
not be denied, Sir, [to Sir John Barnard] that you have al-  
ready spoken on this Question, and that the Rules of the  
House do not allow you to speak a second Time.’

Sir Robert Walpole.

S I R,

‘ I am far from thinking the Order of the House so sacred, Sir Robert  
as that it may not be neglected on some important Occasions; Walpole  
and if the Gentleman has any Thing to urge so momentous,  
that, in his own Opinion, it outweighs the Regard due to our  
Rules, I shall willingly consent that he shall be heard.’

Sir John Barnard.

S I R,

‘ I am far from being inclined to receive as a Favour, what, Sir John  
in my own Opinion, I may claim as a Right; and desire not Barnard.  
to owe the Liberty of Speaking to the Condescension of the  
Right Honourable Gentleman.

‘ What I have to urge is no less against the Bill in general  
than the particular Clause now immediately under our Consi-  
deration,  
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Anno 14, Geo  
II. 1740.



deration, and tho' the Petition should relate likewise to the whole Bill, I cannot discover why we should refuse to hear it. ' Petitions from Men of much inferior Rank, and whose Interest is much less closely connected with that of the Public, have been thought necessary to be heard, nor is the meanest Individual to be injured or restrained without being admitted to offer his Arguments in his own Favour. Even the Journey-men-Shoemakers, one of the lowest Classes of the Community, have been permitted to bring their Council to our Bar, and remonstrate against the Inconveniencies to which they were afraid of being subjected.'

Mr. Winnington.

S I R,

Mr. Winnington.

' I am always willing to hear Petitions, when respectfully drawn up, and regularly subscrib'd, but can by no Means discover that this is a real Petition, for I have heard of no Names affixed to it, it is therefore a Request from Nobody, and by rejecting it no Man is refused. It may, so far as can be discover'd, be drawn up by the Gentleman who offer'd it, and perhaps no other Person may be acquainted with it.'

Mr. Hay.

S I R,

Mr. Hay.

' It is, in my Opinion, necessary that a Petition in the Name of the Merchants of London should be subscribed by the whole Number, for if only a few should put their Names to it, how does it appear that it is any thing more than an Apprehension of Danger to their own particular Interest, which perhaps the other Part, their Rivals in Trade, may consider as an Advantage, or at least regard with Indifference. This Suspicion is much more reasonable, when a Petition is subscribed by a smaller Number, who may easily be imagined to have partial Views, and Designs not wholly consistent with the Interest of the Public.'

Sir Charles Wager.

S I R,

Sir. Charles Wager.

' If I am rightly inform'd, another Petition is preparing by several eminent Merchants, that this Clause may stand as Part of the Bill; and certainly they ought to be heard as well as the present Petitioners, which will occasion great and unnecessary Delays, and therefore I am against the Motion.'

Mr. Campbell.

S I R,

Mr. Campbell.

' I agree with that Hon. Gentleman that if the Merchants are divided in Opinion upon this Point, one Side ought to be heard as well as the other, and hope the House will

will come to a Resolution for that Purpose. For I shall invariably promote every Proposal which tends to procure the fullest Information in all Affairs that shall come before us. Adno 14, Geo. II. 1740.

Then the Question was put, That the further Consideration of the Report be adjourn'd for two Days (in order to hear the Merchants) and it passed in the Negative, Ayes 142, Noes 196.

It was likewise moved, that Clause A, which limits Seamen's Wages in the Merchants Service at 35 s. per Month, be rejected: After Debate, it passed in the Negative: On a Division, Ayes 127, Noes 183. Resolved, that Clause A, do stand a Part of the said Bill.

On the Report the eleven Clauses of Severity were given up without any Division, and a Clause was added, viz. Provided that nothing in this Bill be construed to extend to any Contracts or Agreements for the Hire of Seamen [or Persons employed as such] in Voyages from Parts beyond the Seas, or to Great Britain.

Ordered, That the Bill with the Amendments be ingrossed.

The 16th. Read a first time, a Bill for enlarging and regulating the Trade to the Levant-Seas.

Read a second Time, a Bill to continue an Act for Relief of Debtors, with respect to the Imprisonment of their Persons; and two subsequent Acts for explaining and amending the same; and also to continue an Act for the free Importation of Cochineal and Indico.

In a Committee, went thro' the Bill for continuing the Duties upon Salt, and upon Red and White Herrings.

Read a third Time, and passed the Bill to supply some Defects in the Laws for repairing and rebuilding County Bridges; and for repairing, enlarging, erecting, and providing Houses of Correction; and for passing Rogues and Vagabonds: Ordered it to the Lords.

Read a second Time the Bill for the Improvement of the Manufacture of Woollen Broad Cloth, and to prevent Abuses in making of the same.

The 17th. Agreed to the Report of the Bill to indemnify Protestant Purchasers of Estates of Papists, against the Penalties or Forfeitures Papists are liable to for not having enrolled their Estates, &c. with several Amendments: Ordered it to be engrossed. Read a first Time, a Bill to prevent some Inconveniencies arising from Insurances of Ships.

Agreed to the Report of the Bill for continuing the Duties upon Salt, &c. Ordered it to be ingrossed.

Took into Consideration the Amendments made by the

Anno 14. Geo. III. 1740. Lords to the Bill to amend the Law concerning common Recoveries, and to explain an Act 29th of K. Charles II. for Prevention of Frauds and Perjuries, so far as the same relates to Estates, *per auter Vie*: And agreed to them, and made another Amendment thereto. Ordered it to the Lords for their Concurrence.

In a Committee, went thro' the Westminster-Bridge-Bill, with several Amendments.

In a Committee, went thro' the Bill for the better Preservation of the public Roads of England, with several Amendments.

The 18th. Agreed to the Report of the Bill to continue an Act for Relief of Debtors; and also to continue an Act for the free Importation of Cochineal and Indico; Ordered it to be ingrossed.

Read a third Time, and passed the Salt-Bill.

Read a third Time, and passed the Bill to indemnify Protestant Purchasers of Estates of Papists, against the Penalties or Forfeitures Papists are liable to for not having inrolled their Estates, in pursuance of an Act 3d of K. George I. for that Purpose: Ordered it to the Lords.

The 19th. Took into Consideration the Report of the Westminster-Bridge-Bill, and made a Progress therein.

The 20th. Read a third Time, and passed the Bill to continue an Act for Relief of Debtors, with respect to the Imprisonment of their Persons; and also to continue an Act for the Importation of Cochineal and Indico: Ordered it to the Lords.

Read a second Time the Bill for regulating the Trade to the Levant Seas.

In a Committee, went thro' the Bill to amend an Act 6th of K. George I. relating to the Assurance of Ships upon Bottomry, with several Amendments.

Ordered, That the Seamens Bill be read a third time on Monday next.

The 21st. Ordered, That the Merchants trading to the Levant Seas, do lay before the House, an Account of the Number of Ships employed in the said Trade for 30 Years past, and the Tonnage thereof.

Royal Assent given to several Bills. Mr. Speaker reported, That the House had attended His Majesty in the House of Peers, where his Majesty was pleased to give the Royal Assent to,

1. An Act for continuing the Duties upon Malt, Mum, Cyder and Perry, &c.

2. An Act to prohibit the Exportation of Corn, Grain, (Rice excepted) Meal, Malt, Flour, Bread, Biscuit, Starch, Beef, Pork and Bacon, till December 25, 1741.

3. An

3. An Act for punishing Mutiny and Desertion.
4. An Act to indemnify Persons who have omitted to take the Oaths, &c.
5. An Act for continuing the Duties upon Salt, and on Herrings, to March 25, 1753.
6. An Act to indemnify Protestant Purchasers of Papists Estates, &c.
7. An Act to prevent the stealing and destroying of Sheep and other Cattle.
8. An Act for licensing the Importation of Victual from Ireland, &c. to Scotland, in time of Scarcity.
9. An Act to explain an Act 3d of K. James I. for the Recovery of Small Debts, and for relieving poor Debtors in London.
10. An Act to prevent Inconveniencies arising from Delays of Causes after Issue joined.
11. An Act to amend the Law, concerning common Recoveries; and to amend an Act 29th of K. Charles II. for Prevention of Frauds and Perjuries, so far as the same relates to Estates, *per auter Vie*.

Also to 11 Road Acts, to 9 other public, and to 22 private Acts.

The 23d, the engrossed Bill for the Increase and Encouragement of Seamen was read according to Order, when Mr. Digby rose and spoke as follows;

SIR,

“ I have a Clause to be offered to the House as necessary Mr. Digby. to be inserted in the Bill before us, which was put into my Hands by a Member, whom a sudden Misfortune has made unable to attend his Duty, and which, in his Opinion and mine, is of great Importance, and I shall therefore take the Liberty of reading it.”

“ Be it enacted that every Seaman offering himself to serve his Majesty, shall, upon being refused, receive from such Captain, Lieutenant, or Justice of the Peace, a Certificate, setting forth the Reasons for which he is refused, which Certificate may be produced by him, as an Exemption from being seized by a Warrant of Impress.”

“ I hope the Reasonableness and Equity of this Clause is so incontestably apparent that it will find no Opposition; for what can be more cruel, unjust, or oppressive, than to punish Men for Neglect of a Law which they have endeavoured to obey. To what Purpose are Rewards offered, if they are denied to those who come to claim them? What is it less than Theft, and Fraud, to force a Man into the Service who would willingly have entered, and subject him to Hardships without

Anno 14. Geo II. 1740. without the Recompence which he may justly demand from the solemn Promises of the Legislature.



Sir Charles Wager.

S I R,

Sir Charles Wager.

‘ To this Clause, which the Gentleman has represented as so reasonable and just, Objections may, in my Opinion, be easily made, of which he himself acknowledge the Force. The great Obstruction of public Measures is Partiality, whether from Friendship, Bribery, or any other Motive; against Partiality alone the Clause which is now offered is levelled, and indeed it is so dangerous an Evil, that it cannot be obviated with too much Caution.

‘ But this Clause, instead of preventing private Correspondence, and illegal Combinations, has an evident Tendency to produce them, by inciting Men to apply with pretended Offers of Service to those who are before suborned to refuse them, then make a Merit of their Readiness, and demand a Certificate.

‘ By such Artifices Multitudes may exempt themselves from the Impress who may be known to be able Sailors, even by those that conduct it, and may, under the Protection of a Certificate fallaciously obtained, laugh at all Endeavours to engage them in the public Service.’

Mr. Digby.

S I R,

Mr. Digby.

‘ If this Authority, lodged in the Hands of those who are proposed in the Clause to be entrusted with it, be in Danger of being executed without due Regard to the End for which it is granted, let it be placed where there is neither Temptation nor Opportunity to abuse it. Let the Admiralty alone have the Power of granting such Certificates, the Officers of which will be able to judge whether the Sailor is really unfit for the Service, and deliver those whom Age or Accidents have disabled from the Terror of Impresses; for surely, he that is fit to serve, when taken by Violence, is no less qualified when he enters voluntarily, and he who could not be admitted when he tendered himself, ought not to be dragged away, when perhaps he has contracted for another Voyage.’

Sir Charles Wager.

S I R,

Sir Charles Wager.

‘ It is, doubtless, more proper to place such Authority in the Officers of the Admiralty, than in any other; but it does not appear that the Benefit which the Sailors may receive from it, to whatever Hands it is entrusted, will not be overbalanced by the Injury which the Public will probably suffer.

‘ Sailors

\* Sailors are frequently levied in remote Parts of the Kingdom; in Ports where the Admiralty cannot speedily be informed of the Reasons for which those that may petition for Certificates have been refused, and therefore cannot grant them without Danger of being deceived by fraudulent Accounts. Anno 4, Geo. II. 740.

\* The Grievances for which the Remedy is proposed cannot frequently occur; for it is not probable that in a Time of naval Preparations any Man qualified for the Service should be rejected, since the Officers gain nothing by their Refusal.

Mr. Hay.

S I R,

\* It is very possible that those Instances which may be produced of Men, who have been impressed by one Officer, after they have been rejected by another, may be only the Consequences of the high Value which every Man is ready to set upon his own Abilities. For he that offers himself, no doubt, demands the highest Premium, tho' he be not an able Sailor; and if rejected, and afterwards impressed as a Novice, thinks himself at Liberty to complain with the most importunate Vehemence, of Fraud, Partiality, and Oppression. Mr. Hay.

The Question being put, was resolved in the Negative, almost unanimously.

Then Mr. Southwell offered a Clause, importing, That all Sailors, who should take Advance-Money of the Merchants, should be obliged to perform their Agreements, or be liable to be taken up by any Magistrate or Justice of the Peace, and deemed Deserters, except they were in his Majesty's Ships of War. Mr. Southwell

He was seconded by Lord Gage as follows:

S I R,

\* As this Clause has no other Tendency than to promote the Interest of the Merchants, without obstructing the public Preparations; as it tends only to confirm legal Contracts, and facilitate that Commerce from whence the Wealth and Power of this Nation arises, I hope it will readily be admitted; as we may, by adding this Sanction to the Contracts made between the Merchants and Sailors, in some Degree, balance the Obstructions wherewith we have embarrassed Trade by the other Clauses. Lord Gage.

Sir

Anno 14, Geo.  
II. 1740.

Sir Charles  
Wager.

Sir Charles Wager.

S I R,

' This Clause is unquestionably reasonable, but not necessary, for it is to be found already in an Act made for the Encouragement of the Merchants, which is still in Force; and ought, whenever any such Frauds are committed, to be rigorously observ'd.

Sir Robert Walpole then desired that the Clerk might read the Act, in which the Clause being accordingly found, Mr. Southwell withdrew his Motion.

Then the Question was put, Whether the Bill for the Encrease and Encouragement of Sailors do pass, which was resolved in the Affirmative, 153 against 79.

Agreed to the Report of the Westminster-Bridge-Bill: Ordered it to be ingrossed.

The 24th. In a grand Committee, went thro' the Bill to explain Part of an Act 12th of Q. Anne; for providing a public Reward for such Person or Persons as shall discover the Longitude at Sea, with several Amendments.

Read a Third Time, and passed the Bill for the better regulating the Manufacture of Cloth in the West-Riding of Yorkshire: Ordered it to the Lords.

Agreed to the Report of the Bill for better Preservation of the Public Roads: Ordered it to be ingrossed.

In a grand Committee, took into Consideration the Petition from South-Carolina, in behalf of the distressed Inhabitants of Charles-Town, and came to Resolution.

The 25th. Agreed to the Report of Yesterday's Resolution, viz. Resolved, That the Province of South-Carolina has been greatly weakened by the late dreadful Fire on the 18th of November last; and that some Provision should be made for the resettling the Inhabitants thereof: Referred to the Committee on the Supply.

Agreed to the Report of the Bill for explaining an Act for Assurance of Ships, and Merchandizes at Sea, and for lending Money upon Bottomry: Ordered it to be ingrossed.

In a Committee, went thro' the Bill for the Improvement of the Manufacture of Woollen Broad-Cloth, &c.

The 26th. Read a first Time, a Bill for the more easy and effectual Conviction of Persons returning from Transportation.

Read a third Time, and passed the Bill for the better Preservation of the public Roads in England: Ordered it to the Lords.

In

In a grand Committee, took into Consideration the Bill Anno 14; Geo: II, 1740. for enlarging and regulating the Trade to the Levant-Seas; and also the several Papers and Accounts concerning the same: And a Motion was made, and the Question being put, that Mr. Speaker do leave the Chair, it passed in the Negative, on a Division, Ayes 37, Noes 62. Made a Progress, and to proceed on the 8th of April; then adjourned to the 2d of April.

April 2. Read a third time, and passed the Bill for surveying the chief Ports and Head-Lands on the Coast of Great-Britain and Ireland, and the Plantations belonging thereto, for the more exact Determination of the Longitude and Latitude thereof \*. Ordered it to the Lords.

Adjourned the Report of the Bill for the Improvement of the Manufacture of Woollen Broad-Cloth, for a Month.

Read a third time, and passed the Bill for restraining and preventing several unwarrantable Schemes and Undertakings in the Plantations to America †. Ordered it to the Lords.

Read a second time, the Bill for the more effectual Conviction of Persons returning from Transportation

The 3d. Read a second time, and committed the Bill to prevent Inconveniencies arising from Insurances of Ships: On a Division, Ayes 63, Noes 22.

The 6th. Read a third time, and passed the Bill to enable the Commissioners for building Westminster-Bridge to raise a further Sum of Money by way of Lottery, towards finishing the said Bridge, &c. Ordered it to the Lords. In a grand Committee, took into Consideration the Bill to prevent some Inconveniencies arising from Insurances of Ships: And read a Petition of the Corporation of the London-Assurance against the Bill. And a Motion was made, and the Question put, That the further Consideration thereof be deferred for a Month ‡.

The 7th Received an Estimate of the Charge of 1000 Danish Horse, and 5000 Danish Foot in British Pay, from March the 28th last, to December the 25th, 1741.

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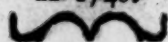
Also

\* This Bill was read a first time, on February the 5th, but the Title was altered on the third Reading.

† This Bill was read a first time, on February the 27th, but the Title was altered on the third Reading.

‡ The House divided, Ayes 25, Noes 8; but seven more Members being wanted to make a House, without which they could not proceed on Business, the Bill dropt of course, and the House adjourned.

Anno 14, Geo.  
II. 1740.



Also an Estimate of the Charge of 1264 Horse, and 4908 Foot, Hessian Troops, from March the 25th last, to December the 25th, 1741, with the Levy-Money and Subsidy for the same.

The 8th. Rejected a Petition of John Meres, Printer, praying to be admitted to Bail without paying his Fees.

Mr. Speaker reported, That the House had attended his Majesty in the House of Peers, where his Majesty was pleased to give the Royal Assent to,

Royal Assent  
given to several  
Bills.

An Act to supply some Defects in the Laws for repairing County-Bridges; for repairing and providing Houses of Correction; and for passing Rogues and Vagabonds.

An Act to continue three former Acts for Relief of Debtors, with respect to the Imprisonment of their Persons; and also to continue an Act for the free Importation of Cochineal and Indico.

An Act for continuing an Act 7th of King George II. to amend a former Act 11th of King George I. for the better regulating the Manufacture of Cloth in the West-Riding of Yorkshire. And to seven private Acts.

After which his Majesty was pleased to make a most gracious Speech from the Throne as follows :

My Lords and Gentlemen,

King's Speech.

“ At the Opening of this Session, I took Notice to you of the Death of the late Emperor, and of my Resolution to adhere to the Engagements I am under, in order to the maintaining of the Ballance of Power, and the Liberties of Europe, on that important Occasion. The Assurances I received from you, in return to this Communication, were perfectly agreeable to the Zeal and Vigour, which this Parliament has always exerted, in the Support of the Honour and Interest of my Crown and Kingdoms, and of the Common Cause.

“ The War, which has since broke out, and been carried on, in part of the Austrian Dominions, and the various and extensive Claims, which are publicly made on the late Emperor's Succession, are new Events, that require the utmost Care and Attention, as they may involve all Europe in a bloody War, and in Consequence, expose the Dominions of such Princes, as shall take Part in support of the Pragmatic Sanction, to imminent and immediate Danger. The Queen of Hungary has already made a Requisition of the 12,000 Men, expressly stipulated by Treaty; and thereupon I have demanded of the King of Denmark, and of the King of Sweden, as Landgrave of Hesse-Cassel, their respective Bodies of Troops, consisting of 6000 Men each, to be in readiness to march forthwith to the Assistance of her Hungarian

rian Majesty. I am also concerting such further Measures Anno 14, Geo;  
 as may obviate and disappoint all dangerous Designs and At- II. 1740.  
 tempts, that may be forming and carried on in Favour of  
 any unjust Pretensions, to the Prejudice of the House of Au-  
 stria. In this complicated and uncertain State of Things,  
 many Incidents may arise, during the Time, when, by Rea-  
 son of the approaching Conclusion of this Parliament, it  
 may be impossible for me to have your Advice and Assistance,  
 which may make it necessary for me to enter into still larger  
 Expences, for maintaining the Pragmatic Sanction. In a  
 Conjunction so critical, I have thought it proper, to lay these  
 important Considerations before you, and to desire the Con-  
 currence of my Parliament, in enabling me to contribute, in  
 the most effectual Manner, to the Support of the Queen of  
 Hungary, the preventing by all reasonable Means the Sub-  
 version of the House of Austria, and the maintaining the  
 Liberties and Balance of Power in Europe."

Gentlemen of the House of Commons,

" I must recommend it to you, to grant me such a Supply  
 as may be requisite for these Ends; and the just Concern and  
 Readiness which I have constantly found in you, to make all  
 necessary Provisions for the Public Good, and our common  
 Security, leave me no room to doubt of the same good Dis-  
 position and Affection in this Instance."

My Lords and Gentlemen,

" I am persuaded, I need say no more to recommend these  
 Considerations to you, which so necessarily arise from the  
 present Situation of Affairs: I shall therefore only add, That  
 whatever Expences may be incurr'd on this Occasion, shall  
 be made in as frugal a Manner as possible; and an Account  
 thereof shall be laid before the next Parliament."

Whereupon they resolved, That an humble Address be pre-  
 sented to his Majesty, as follows.

The House on this Occasion presented the following Ad-  
 dress.

Most gracious Sovereign,

" We your Majesty's most dutiful and loyal Subjects, the  
 Commons of Great Britain in Parliament assembled, beg  
 Leave to return your Majesty our most humble Thanks for  
 your Majesty's most gracious Speech from the Throne; and  
 to express our dutiful Sense of your Majesty's just and due  
 Regard for the Rights and Interest of the Queen of Hungary,  
 and for maintaining the Pragmatic Sanction. We cannot  
 but entirely concur with your Majesty in the prudent Mea-  
 sures, which your Majesty is pursuing for the Support of the  
 S i 2 Common

Anno 14, Geo  
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Common Cause, and for the Preservation of the Liberties, and the Balance of Power in Europe. We acknowledge your Majesty's Wisdom and Resolution, in not suffering yourself to be diverted from steadily persevering in your just Purposes of fulfilling the Engagements, which your Majesty has entered into with the House of Austria; and do assure your Majesty, that in Justice, and in Vindication of the Honour and Dignity of the British Crown, this House will effectually stand by and support your Majesty against all Insults and Attacks, which any Prince of Power, in Resentment of the just Measures that your Majesty has so wisely taken, shall make upon any of your Majesty's Territories or Dominions, tho' not belonging to the Crown of Great Britain. And we beg Leave further to assure your Majesty, that in any future Events, which may arise from this uncertain State of Things, and which may make it necessary for your Majesty to enter into still larger Expences, your faithful Commons will enable your Majesty to contribute, in the most effectual Manner, to the Support of the Queen of Hungary, to the preventing, by all reasonable Means, the Subversion of the House of Austria, and to the maintaining the Pragmatic Sanction and the Liberties and Balance of Power Europe.'

The 9th. Referred his Majesty's Speech to the Committee on the Supply.

The 10th. The House went to address his Majesty at his Palace at St. James's.

His Majesty's  
Answer.

The 13th. Received the Report of his Majesty's Answer to their Address, viz. "I give you my Thanks for this dutiful and loyal Address. Your great Readiness in enabling me to make good my Engagements with the Queen of Hungary, and the Assurances you give me, not to suffer my foreign Dominions to be insulted, on account of the Measures I am pursuing for the Support of the Pragmatic Sanction, are such evident Proofs of your just Concern for maintaining the Liberties and Balance of Power in Europe, and of your great Regard for my Honour and Interest, that you may depend upon all suitable Returns from me, for this particular Mark of your Affection and Confidence in me."

Motion for an Aid of 300,000 l. for the Queen of Hungary. The same Day a Motion was made by Sir Robert Walpole, for granting an Aid of 300,000 l. to the Queen of Hungary, which he introduced with the following Debate:

S I R,

Sir Robert  
Walpole

'The Necessity of this Grant appears so plainly from the bare Mention of the Purposes for which it is asked, that I can scarcely conceive that its Reasonableness can be disputed.'

puted. I can discover no Principles upon which an Objection to this Motion can be founded, nor the least Arguments by which such Objections can be supported.

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• The indispensable Obligations of public Faith, the great Ties by which Nations are united, and Confederacies formed, I cannot suppose any Man inclined to invalidate. An exact Performance of national Promises, an inviolable Adherence to Facts and Treaties, is enforced at once by Policy and Justice, and all Laws both of Heaven and Earth.

• Public Perfidy, Sir, like private Dishonesty, whatever temporary Advantages it may promise or produce, is always, upon the whole, the Parent of Misery. Every Man, however prosperous, must sometimes wish for a Friend; and every Nation, however potent, stand in need of an Ally; but all Alliances subsist upon mutual Confidence; and Confidence can be produced only by untainted Integrity, by known Firmness, and approved Veracity.

• The Use of Alliances, Sir, has in the last Age been too much experienced to be contested; it is by Leagues well concerted, and strictly observed, that the Weak are defended against the Strong, that Bounds are set to the Turbulence of Ambition, that the Torrent of Power is restrained, and Empires preserved from those Inundations of War that, in former Times, laid the World in Ruins. By Alliances, Sir, the Equipoise of Power is maintained, and those Alarms and Apprehensions avoided, which must arise from Vicissitudes of Empire, and the Fluctuations of perpetual Contest.

• That it is the Interest of this Nation to cultivate the Friendship of the House of Austria, to protect its Rights, and secure its Succession; to inform it when mistaken, and to assist it when attacked, is allowed by every Party. Every Man, Sir, knows that the only Power that can sensibly injure us by obstructing our Commerce, or invading our Dominions, is France, against which no Confederacy can be formed, except with the House of Austria, that can afford us any efficacious Support.

• The firmest Bond of Alliances is mutual Interest. Men easily unite against him whom they have all Reason to fear and to hate, by whom they have been greatly injured, and by whom they suspect that no Opportunity will be lost of renewing his Encroachments. Such is the State of this Nation and of the Austrians. We are equally endangered by the French Greatness, and equally animated against it by hereditary Animosities, and Contests continued from one Age to another; we are convinced that, however either may be flattered or caressed, while the other is invaded, every  
Blow

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Blow is aimed at both, and that we are divided only that we may be more easily destroyed.

For this Reason we engaged in the Support of the Pragmatic Sanction, and stipulated to secure the Imperial Crown to the Daughters of Austria, which was nothing more than to promise, that we would endeavour to prevent our own Destruction, by opposing the Exaltation of a Prince who should owe his Dignity to the French, and in Consequence of so close an Alliance second all their Schemes, admit all their Calms, and sacrifice to their Ambition the Happiness of a great Part of Mankind.

Such would probably be the Consequence, if the French should gain the Power of conferring the Imperial Crown. They would hold the Emperor in perpetual Dependence, would, perhaps, take Possession of his Hereditary Dominions as a Mortgage for their Expence, would awe him with the Troops which they sent under a Pretence of assisting him, and leave him only the Titles of Dominion, and the Shadows of Empire.

In this State would he remain, whilst his formidable Allies were extending their Dominions on every Side. He would see one Power subdued after another, and himself weakened by Degrees, and only not deprived of his Throne, because it would be unnecessary to dethrone him; or he would be obliged to solicit our Assistance to break from his Slavery, and we should be obliged, at the utmost Hazard, and at an Expence not to be calculated, to remedy what it is, perhaps, now in our Power to prevent with very little Difficulty.

That this Danger is too near to be merely chimerical, that the Queen of Hungary is invaded, and her Right to the Imperial Dignity contested, is well known; it is therefore the Time for fulfilling our Engagements, Engagements of the utmost Importance to ourselves and our Posterity; and I hope the Government will not be accused of Profusion, if for three hundred thousand Pounds the Liberties of Europe shall be preserved.

We cannot deny this Grant without acting in Opposition to our late Professions of supporting his Majesty in his Endeavours to maintain the Pragmatic Sanction, and of assisting him to defend his foreign Dominions from any Injuries to which those Endeavours should expose them, for how can he without Forces defend his Dominions, or assist his Ally? or how can he maintain Forces without Supplies?

Mr.

Mr. Shippen.

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II. 1740.

Mr. Shippen.

SIR,

As I have always endeavoured to act upon Conviction of my Duty, to examine Opinions before I admit them, and to speak what I have thought the Truth, I do not easily change my Conduct or retract my Assertions, nor am I deterred from repeating my Arguments when I have a right to speak, by the Remembrance that they have formerly been unsuccessful.

Every Man when he is confident himself, conceives himself able to persuade others, and imagines that their Obstinacy proceeds from other Motives than Reason; and that, if he fails at one time to gain over his Audience, he may yet succeed in some happier Moment, when their Prejudices shall be dissipated, or their Interest varied,

For this Reason though it cannot be suspected that I have forgotten the Resentment which I have formerly drawn upon myself, by an open Declaration of my Sentiments, with regard to Hanover, \* I stand up again, with equal Confidence, to make my Protestations against any Interposition in the Affairs of that Country, and to avow my Dislike of the Promise lately made to defend it. A Promise, inconsistent, in my Opinion, with that important and inviolable Law, the Act of Settlement! A Promise, which, if it could have been foreknown, would perhaps have for ever precluded from the Succession that illustrious Family, to which we owe such numberless Blessings, such continued Felicity!

Far be it from me to insinuate that we can be too grateful to his Majesty, or too zealous in our Adherence to him; only let us remember that true Gratitude consists in real Benefits, in promoting the true Interest of him to whom we are indebted; and surely, by hazarding the Welfare of Great Britain in Defence of Hanover, we shall very little consult the Advantage or promote the Greatness of our King.

It is well known how inconsiderable in the Sight of those, by whom the Succession was establish'd, Hanover appeared, in comparison with Great Britain. Those Men, to whom even their Enemies have seldom denied Praise for Knowledge and Capacity, and who have been so loudly celebrated by many, who have join'd in the last Address, for their honest Zeal, and the Love of their Country, enacted, that

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\* Alluding to his being sent to the Tower.

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that the King of Great Britain should never visit those important Territories, which we have so solemnly promised to defend, at the Hazard of our Happiness. It was evidently their Design that our Sovereign, engross'd by the Care of his new Subjects, a Care, which, as they reasonably imagined, would arise from Gratitude for Dignity, and Power so liberally conferr'd, should in time forget that Corner of the Earth, on which his Ancestors had resided, and act, not as Elector of Hanover, but as King of Great Britain, as the Governor of a mighty Nation, and the Lord of large Dominions.

‘ It was expressly determined, that this Nation should never be involved in War for the Defence of the Dominions on the Continent; and doubtless the same Policy that has restrain'd us from extending our Conquests in Countries, from which some Advantages might be receiv'd, ought to forbid all expensive and hazardous Measures, for the sake of Territories from whence no Benefit can be reaped.

‘ Nor are the Purposes, Sir, for which this Supply is demanded, the only Objections that may be urged against it, for the Manner in which it is asked, makes it necessary at least to delay it. The Ministers have been so little accusom'd to Refusals that they have forgot when to ask with Decency, and expect the Treasure of the Nation to be poured upon them, whenever they shall think it proper to hint, that they have discover'd some new Opportunity of Expence.

‘ It is necessary that when a Supply is desired, the House should be inform'd, some time before, of the Sum that is requir'd, and of the Ends to which it is to be applied, that every Member may consider, at leisure, the Expediency of the Measures propos'd, and the Proportion of the Sum to the Occasion on which it is demanded; that he may examine what are the most proper Methods of raising it, and perhaps enquire with what Willingness his Constituents will advance it.

‘ Whether any Man is enabled by his Acuteness and Experience, to determine all these Questions upon momentaneous Reflection, I cannot decide. For my Part, I confess myself one of those, on whom Nature has bestow'd no such Faculties, and therefore move that the Consideration of this Supply may be deferr'd for a few Days. For if it be now press'd upon us, I shall vote against it, because I do not yet fully discover all the Reasons for it, nor all the Consequences which it may produce, and I think myself oblig'd to know for what purpose I give away the Money which is not my own.’

Mr.

Mr. Viner.

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S I R,

Whatever may be the Necessity of maintaining the Pragmatic Sanction, or whatever the Obligations of national Pacts, of which I hope no Man is desirous of countenancing the Neglect, yet they cannot oblige us to arm without an Enemy, to embarrass ourselves with watching every Possibility of Danger, to garrison Dominions which are not invaded.

The Expediency of maintaining the House of Austria on the Imperial Throne, it is not at present necessary to assert, because it does not appear that any other Family is aspiring to it. There may indeed be Whispers of secret Designs and artful Machinations, Whispers, perhaps, spread only to affright the Court into Treaties, or the Parliament into Grants; or Designs, which, like a Thousand others that every Day produces, innumerable Accidents may defeat; which may be discovered, not only before they are executed, but before they are fully formed; and which therefore are not worthy to engross much of our Attention, or to exhaust the Wealth of the People.

The Pragmatic Sanction is nothing more than a Settlement of the Imperial Dignity upon the eldest Daughter of the late Emperor and her Son; and if she has no Son, upon the Son of the second Daughter; nor has the Crown of Great Britain, by engaging to support that Sanction, promised any thing more than to preserve this Order of Succession, which no Power at present is endeavouring to interrupt, and which therefore at present requires no Defence.

The Dispute, Sir, between the King of Prussia and the Queen of Hungary is of a different kind, nor is it our Duty to engage in it, either as Parties or Judges. He lays claim to certain Territories usurped, as he alleges, from his Ancestors by the Austrian Family, and asserts, by Force, this Claim which is equally valid, whether the Queen be Empress or not. We have no Right to limit his Dominions, or Obligation to examine the Justice of his Demands. If he is only endeavouring to gain what has been forcibly withheld from him, what Right have we to obstruct his Undertaking? And if the Queen can shew a better Title, she is, like all other Sovereigns, at liberty to maintain it; nor are we necessarily to erect ourselves into Judges between Sovereigns, or Distributors of Dominion.

The Contest seems to have very little Relation to the Pragmatic Sanction; if the King of Prussia succeeds, he will

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Anno 14. Geo contribute to support it; and if the Queen is able to frustrate his Designs, she will be too powerful to need our Assistance.

But tho', Sir, the Pragmatic Sanction were in Danger of Violation, are we to stand up alone in defence of it, while other Nations, equally engaged with ourselves by Interest and by Treaties, sit still to look upon the Contest, and gather those Advantages of Peace which we indiscreetly throw away? Are we able to maintain it without Assistance, or are we to exhaust our Country, and ruin our Posterity in Prosecution of a hopeless Project, to spend what can never be repaid, and to fight with Certainty of a Defeat?

The Dutch, whose Engagements and whose Interests are the same as our own, have not yet made any Addition to their Expences, nor Augmentation of their Troops; nor does a single Potentate of Europe, however united by long Alliances to the House of Austria, or however endanger'd by Revolutions in the Empire, appear to rouse at the Approach of Alarm, or think himself obliged to provoke Enemies by whom he is not yet injured.

I cannot therefore persuade myself that we are to stand up single in the Defence of the Pragmatic Sanction, to fight the Quarrel of others, or live in perpetual War, that our Neighbours may be at Peace.

I shall always think it my Duty to disburse the public Money with the utmost Parsimony, nor ever intend but, on the most pressing Necessity, to load, with new Exactions, a Nation already overwhelmed with Debts, harra's'd with Taxes, and plunder'd by a Standing Army.

For what Purpose these numerous Forces are maintain'd, who are now preying on the Public; why we increase our Armies by Land when we only fight by Sea; why we aggravate the Burthen of the War, and add domestic Oppression to foreign Injuries, I am at loss to determine. Surely some Regard should be had to the Satisfaction of the People, who ought not, during the present Scarcity of Provisions, to be starved by the Increase of an Army, which seems supported only to consume them.

As therefore part of our present Expence is in my Opinion unnecessary, I shall not contribute to aggravate it by a new Grant, for Purposes of which I cannot discover that they will promote the Advantage of the Public.

Sir Robert Walpole,

S I R,

The Pragmatic Sanction, which we are engaged to support, is not confined to the Preservation of the Order of Succession

Sir Robert  
Walpole.

cession, but extends to all the Rights of the House of Austria; Anno 14, Geo. II. 1740.  
 which is now attacked, and by a very formidable Enemy, at a Time of Weakness and Distraction; and therefore requires our Assistance.

• That others equally oblig'd by Treaty and by Interest to lend their Help on this Occasion, sit unactive, either through Cowardice or Negligence, or some Prospect of temporary Advantage, may, perhaps, be true; but is it any Excuse of a Crime, that he who commits it is not the only Criminal? Will the Breach of Faith in others excuse it in us? Ought we not rather to animate them by our Activity, instruct them by our Example, and awaken them by our Representations?

• Perhaps the other Powers say to themselves; and to one another, Why should we keep that Treaty which Great Britain is violating? Why should we expose ourselves to Danger, of which that mighty Nation, so celebrated for Courage, is afraid? Why should we rush into War, in which our most powerful Ally seems unwilling to support us?

• Thus the same Argument, an Argument evidently false, and made specious only by Interest, may be used by all, till some one, more bold and honest than the rest, shall dare to rise in Vindication of those Rights which all have promised to maintain. And why should not the greatest Nation be the first that shall avow her solemn Engagements? Why should not they be most diligent in the Prosecution of an Affair who have most to lose by its Miscarriage?

• I am always willing to believe, that no Member of this House makes Use in any solemn Debate of Arguments which do not appear rational to himself; and yet it is difficult to conceive that any Man can imagine himself released from a Promise, because the same Promise is broken by another; or that he is at Liberty to desert his Friend in Distress, because others desert him, whose good Offices he has equal Reason to expect, and that the more his Assistance is needed, the more Right he has to deny it.

• Surely such Arguments as these deserve not, need not a Confutation. Before we regulate our Conduct by that of others, we must either prove that they have done right; which Proof will be a sufficient Defence without the Precedent, or own that they are more capable of judging than we, and that therefore we pay an implicit Submission to their Dictates and Example; a Sacrifice which we shall not willingly make to the Vanity of our Neighbours.

• In the present Case it is evident, that if other Nations neglect the Performance of their Contracts, they are guilty of the Breach of public Faith; of a Crime, that if it should

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generally be imitated, would dissolve Society, and throw human Nature into Confusion, that would change the most happy Region into Desarts, in which one Savage would be preying on another.

‘ Nor are they only propagating an Example, which in some distant Times may be pleaded against themselves, but they are exposing themselves to more immediate Dangers; they are forwarding Designs that have no Tendency but to their Ruin; they are adding Strength to their inveterate Enemies, and beckoning Invasion to their own Frontiers.

‘ Let us therefore, instead of hardening ourselves in Perfidy, or lulling ourselves in Security by their Example, exert all our Influence to unite them, and all our Power to assist them. Let us shew them what they ought to determine by our Resolutions, and teach them to act by our Vigour; that if the House of Austria be preserved, our Alliance may be strengthened by new Motives of Gratitude; and that, if it must be that the Liberties of this Part of the World be lost, we may not reproach ourselves with having neglected to defend them.’

Mr. Henry Pelham.

S I R,

Mr. Henry  
Pelham.

‘ It is not to be supposed that such Members of this House as are not engaged in public Affairs, should receive very exact Intelligence of the Dispositions of foreign Powers, and therefore I do not wonder that the Conduct of the Dutch has been misrepresented, and that they are suspected of neglecting their Engagements at a Time when they are endeavouring to perform them.

‘ The Dutch have now under Consideration the most proper Methods of assisting the Queen of Hungary, and maintaining the Pragmatic Sanction; it may be indeed justly suspected from the Nature of their Constitution, that their Motions will be slow, but it cannot be asserted, that they break their Engagements, or desert their Confederates.

‘ Nor is there any Reason for imagining that the other Princes who have incurred the same Obligations, will not endeavour to perform their Promises; it may be easily conceived that some of them are not able, at a sudden Summons, to afford great Assistance, and that others may wait the Result of our Deliberations, and regulate their Conduct by our Example.

‘ Not that we ought to neglect our Engagements, or endanger our Country, because other Powers are either perfidious or insensible; for I am not afraid to declare, that if that should happen, which there is no Reason to suspect, it

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all the other Powers should desert the Defence of the Austrian Line, should consent to annul the Pragmatic Sanction, and leave the Queen of Hungary to the Mercy of her Enemies, I would advise that Great Britain alone should pour her Armies into the Continent, that she should defend her Ally against the most formidable Confederacy, and shew Mankind an Example of Constancy not to be shaken, and of Faith not to be violated.

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‘ If it be therefore our Duty to support the Pragmatic Sanction, it is now the Time for declaring our Resolutions, when the Imperial Crown is claimed by a Multitude of Competitors, among whom the Elector of Bavaria, a very powerful Prince, has, by his Minister, notified his Pretensions to the Court of Great Britain.

‘ The antient Alliance between this Prince and the French is well known; nor can we doubt that he will not now implore their Assistance for the Attainment of the Throne to which he aspires; and I need not say what may be expected from an Emperor whose Elevation was procured by the Forces of France.

‘ Nor is this the only Prince that claims the Imperial Crown upon plausible Pretences, or whose Claims other Powers may combine to support; it is well known that even the Spanish Monarch believes himself entitled to it, nor can we, who have no Communication with him, know whether he has not declared, to all the other Princes of Europe, his Resolution to assert his Claim.

‘ It is far from being impossible that the Pretensions of the House of Bourbon may be revived, and that tho’ no single Prince of that Family should attempt to mount the Imperial Throne, they may all conspire to dismember the Empire into petty Kingdoms, and free themselves from the Dread of a formidable Neighbour, by erecting a Number of diminutive Sovereigns, who may be always courting the Assistance of their Protectors, for the sake of harrassing each other.

‘ Thus will the House, by which Europe has been hitherto protected, sink into an empty Name, and we shall be left to stand alone against all the Powers that profess a different Religion, and whose Interest is opposite to that of Great Britain.

‘ We ought, indeed, to act with the utmost Vigour, when we see one of the most powerful of the reformed Princes, so far forgetful of the Interest of our Religion, as to co-operate with the Designs of France, and so intent upon improving the Opportunity of distressing the House of Austria, as to neglect the common Cause, and expose himself or his Posterity

Anno 14, Geo. II. 1740. rity to the Danger of becoming a Dependent on the House of Bourbon.



‘ For this Reason I cannot agree that our Army, tho’ numerous and burdensome, is greater than the Necessity of Affairs requires: If we cast our Eyes on the Continent, nothing is to be seen but general Confusion, powerful Armies in Motion, the Dominions of one Prince invaded, of another threatened, the Tumults of Ambition in one Place, and a panic Stillness in another.

‘ What will be the Event of these Commotions who can discover? And how can we know what may determine the Course of that Flood of Power, which is now in a State of Fluctuation, or seems driven to different Points by different Impulses? How soon may the Dutch see their Barrier attacked, and call upon us for the 10,000 Men which we are obliged to send them? How soon may the House of Austria be so distressed as to require all our Power for its Preservation?

‘ That we are to leave nothing unattempted for the Security of our own Religion and Liberty, will easily be granted; and, therefore, unless it can be proved that we may be equally secure, tho’ the House of Austria be ruined, it will necessarily follow, that we are, with all our Power, to enforce the Observation of the Pragmatic Sanction.

‘ This is not an Act of romantic Generosity, but such as the closest Attention to our own Interest shews to be necessary; in defending the Queen of Hungary we defend ourselves, and only extinguish that Flame, by which, if it be suffered to spread, we shall ourselves be consumed. The Empire may be considered as the Bulwark of Great Britain, which, if it be thrown down, leaves us naked and defenceless.

‘ Let us therefore consider our own Danger, and remember, that while we are considering this Supply, we are deliberating upon nothing less than the Fate of our Country.’

Mr. Pulteney,

S I R,

Mr. Pulteney. ‘ I am on this Occasion of an Opinion different from that of the honourable Member who spoke the Second in this Debate, though on most Questions our Judgment has been the same. I am so far from seconding his Proposal for delaying the Consideration of this Supply, that I think it may justly be enquired, Why it was not sooner proposed?

‘ For the Support of the House of Austria and the Assertion of the Pragmatic Sanction no Man can be more zealous than myself; I am convinced how closely the Interest of this Nation

Nation and that of the Austrian Family are united, and how much either must be endangered by the Ruin of the other, and therefore, I shall not delay, for a single Moment, my Consent to any Measures that may re-establish our Interest on the Continent, and rescue Germany once more from the Jaws of France.

‘ I am afraid that we have lost part of our Influence in the neighbouring Countries, and that the Name of Great Britain is less formidable than heretofore ; but if Reputation is lost, it is time to recover it, and I doubt not but it may be recovered by the same Means as it was at first obtained. Our Armies may be yet equally destructive and our Money equally persuasive.

‘ We have not yet suffer’d, amidst all our Misconduct, our naval Force to be diminished ; our Sailors yet retain their ancient Courage, and our Fleets are sufficient to keep their Dominion of the Ocean, and prescribe Limits to the Commerce of every Nation. While this Power remains unimpaired, while Great Britain retains her natural Superiority, and asserts the Honour of her Flag in every Climate, we cannot become despicable, nor can any Nation ridicule our Menaces or scorn our Alliance. We may still extend our Influence to the Inland Countries, and awe those Nations which we cannot invade.

To preserve this Power, let us watch over the Disposal of our Money ; Money is the Source of Dominion ; those Nations may be formidable for their Affluence which are not considerable for their Numbers ; and by a negligent Profusion of their Wealth, the most powerful People may languish into Imbecility, and sink into Contempt.

‘ If the Grant which is now demanded will be sufficient to produce the Ends to which it is proposed to be applied, if we are assured of the proper Application of it, I shall agree to it without Hesitation. But though it cannot be affirmed that the Sum now demanded is too high a Price for the Liberties of Europe, it is at least more than ought to be squandered without Effect, and we ought at least to know before we grant it what Advantages may be expected from it.

‘ May not the Sum demanded for the Support of the Queen of Hungary be employed to promote very different Interests ? May it not be lavished to support that Power to which our Grants have too long contributed, that Power by which ourselves have been awed, and the Administration has tyrannized without Controul ?

‘ If this Sum is really intended to support the Queen of Hungary, may we not enquire how it is to be employed for her Service ? Is it to be sent her for the Payment of her  
Armies,

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Armies, and the Support of her Court? Should we not more effectually secure her Dominions by purchasing with it the Friendship and Assistance of the King of Prussia, a Prince, whose Extent of Dominions and numerous Forces make him not more formidable than his personal Qualities.

‘ What may be hoped, Sir, from a Prince of Wisdom and Courage, at the Head of a Hundred and ten Thousand regular Troops, with eight Millions in his Treasury; how much he must necessarily add to the Strength of any Party in which he shall engage, is unnecessary to mention; it is evident, without Proof, that nothing could so much contribute to the Re-establishment of the House of Austria, as a Reconciliation with this mighty Prince, and that to bring it to pass would be the most effectual Method of serving the unfortunate Queen that requires our Assistance.

‘ Why we should despair, Sir, of such a Reconciliation I cannot perceive; a Reconciliation equally conducive to the real Interest of both Parties. It may be proved, with very little Difficulty, to the King of Prussia, that he is now assisting those with whom Interests incompatible, and Religions irreconcilable, have set him at Variance, whom he can never see prosperous but by a Diminution of his own Greatness, and who will always project his Ruin while they are enjoying the Advantages of his Victories. We may easily convince him, that their Power will soon become, by his Assistance, such as he cannot hope to withstand; and shew from the Examples of other Princes, how dangerous it is to add to the Strength of an ambitious Neighbour. We may shew him how much the Fate of the Empire is now in his Hands, and how much more glorious and more advantageous it will be to preserve it from Ruin, than to contribute to its Destruction.

‘ If, by such Arguments, Sir, this potent Monarch can be induced to act steadily in Defence of the common Cause, we may once more stand at the Head of a Protestant Confederacy, that may contract the Views and repress the Ambition of the House of Bourbon, and alter their Scheme of universal Monarchy into Expedients for the Defence of their Dominions.

‘ But in transacting these Affairs, let us not engage in any intricate Treaties, nor amuse ourselves with displaying our Abilities for Negotiation; Negotiation that fatal Art which we have learned as yet very imperfectly, and which we have never attempted to practise but to our own Loss. While we have been entangled in tedious Disquisitions, and retarded by artful Delays, while our Commissaries have been debating about what was only denied, to produce Controversies, and enquiring after that which has been hid from them, only to  
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divert their Attention from other Questions, how many Opportunities have been lost, and how often might we have secured by War, what was, at a much greater Expence, lost by Treaties ?

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‘ Treaties, Sir, are the Artillery of our Enemies, to which we have nothing to oppose ; they are Weapons of which we know not the Use, and which we can only escape by not coming within their Reach. I know not by what Fatality it is, that to treat and to be cheated, are, with regard to Britain, Words of the same Signification ; nor do I intend, by this Observation, to asperse the Characters of particular Persons ; for Treaties, by whomsoever carried on, have ended always with the same Success.

‘ It is Time, therefore, to know, at length, our Weakness and our Strength, and to resolve no longer to put ourselves voluntarily into the Power of our Enemies : Our Troops have always been our ablest Negotiators, and to them it has been, for the most Part, necessary at last to refer our Cause.

‘ Let us then always preserve our martial Character, and neglect the Praise of political Cunning ; a Quality which, I believe, we shall never attain, and which, if we could obtain, would add nothing to our Honour. Let it be the Practice of Britons to declare their Resolutions without Reserve, and adhere to them in Opposition to Dangers ; let them be ambitious of no other Elogies than those which may be gained by Honesty and Courage, nor will they then ever find their Allies diffident, or their Enemies contemptuous.

‘ By recovering and asserting this Character we may become once more the Arbiters of Europe, and be courted by all the Protestant Powers as their Protectors ; we may once more subdue the Ambition of the aspiring French, and once more deliver the House of Austria from the incessant Pursuit of those restless Enemies.

‘ The Defence of that illustrious Family, Sir, has always appeared to me, since I studied the State of Europe, the unvariable Interest of the British Nation, and our Obligations to support it, on this particular Occasion, have already been sufficiently explained.

‘ Whence it proceeds, Sir, that those who now so zealously espouse the Austrian Interest, have been so plainly forgetful of it on other Occasions, I cannot determine. That Treaties have been made very little to the Advantage of that Family, and that its Enemies have been suffered to insult it without Opposition, is well known, nor was it long ago that it was debated in this House, whether any Money should be lent to the late Emperor.

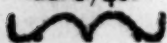
‘ No public or private Character can be supported, no

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Enemy

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II. 1743.



Enemy, Sir, can be intimidated, nor any Friend confirmed in his Adherence, but by a steady and consistent Conduct, by proposing in all our Actions such Ends as may be openly avowed, and by pursuing them without Regard to temporary Inconveniencies, or petty Obstacles.

\* Such Conduct, Sir, I would gladly recommend on the present Occasion, on which I should be far from advising a faint, an irresolute, or momentary Assistance, such Supplies as declare Diffidence in our own Strength, or a mean Inclination to please contrary Parties at the same time, to perform our Engagements with the Queen, and continue our Friendship with France. It is, in my Opinion, proper to espouse our Ally with the Spirit of a Nation that expects her Decisions to be ratified, that holds the Balance of the World in her Hand, and can bestow Conquest and Empire at her Pleasure.

\* Yet, Sir, it cannot be denied that many powerful Reasons may be brought against any new Occasion of Expence; nor is it without Horror and Astonishment that any Man, conversant in political Calculations, can consider the enormous Profusion of the national Treasure. In the late dreadful Confusion of the World, when the Ambition of France had set half the Nations of the Earth on Flame, when we sent our Armies to the Continent, and fought the general Quarrel of Mankind, we paid during the Reigns of King William, and his great Successor, Reigns of which every Summer was distinguished by some important Action, but four Millions Yearly.

\* But our Preparations for the present War, in which scarcely a single Ship of War has been taken, or a single Fortress laid in Ruins, have brought upon the Nation an Expence of five Millions. So much more are we now obliged to pay to amuse the weakest, than formerly to subdue the most powerful of our Enemies.

\* Frugality, which is always prudent, is, at this Time, Sir, indispensable, when War, dreadful as it is, may be termed the lightest of our Calamities, when the Seasons have disappointed us of Bread, and an universal Scarcity afflicts the Nation. Every Day brings us Accounts from different Parts of the Country, and every Account is a new Evidence of the general Calamity, of the Want of Employment for the Poor, and its necessary Consequence, the Want of Food.

\* He that is scarce able to preserve himself, cannot be expected to assist others; nor is that Money to be granted to foreign Powers, which is wanted for the Support of our Fellow-Subjects, who are now languishing with Diseases, which unaccustomed Hardships, and unwholesome Provisions have brought

brought upon them, while we are providing against distant Anno 14, Geo.  
Dangers, and bewailing the Distresses of the House of Ap- 11. 1740.  
stria.

• Let us not add to the Miseries of Famine the Mortifications of Insult and Neglect; let our Countrymen, at least, divide our Care with our Allies; and, while we form Schemes for succouring the Queen of Hungary, let us endeavour to alleviate nearer Distresses, and prevent or pacify domestic Discontents.

• If there be any Man whom the Sight of Misery cannot move to Compassion, who can hear the Complaints of Want without Sympathy, and see the general Calamity of his Country without employing one Hour on Schemes for its Relief: Let not that Man dare to boast of Integrity, Fidelity or Honour; let him not presume to recommend the Preservation of our Faith, or Adherence to our Confederates; that Wretch can have no real Regard to any moral Obligation, who has forgotten those first Duties which Nature impresses; nor can he that neglects the Happiness of his Country, recommend any good Action for a good Reason.

• It should be considered, Sir, that we can only be useful to our Allies, and formidable to our Enemies, by being unanimous and mutually confident of the good Intentions of each other, and that nothing but a steady Attention to the public Welfare, a constant Readiness to remove Grievances, and an apparent Unwillingness to impose new Burthens, can produce that Unanimity.

• As the Clause is therefore necessarily to precede the Effect; as foreign Influence is the Consequence of Happiness at Home, let us endeavour to establish that Alacrity and Security that may animate the People to assert their antient Superiority to other Nations, and restore that Plenty which may raise them above any Temptation to repine at Assistance given to our Allies.

• No Man, Sir, can very solicitously watch over the Welfare of his Neighbour, whose Mind is depressed by Poverty, or distracted by Terror, and when the Nation shall see us anxious for the Preservation of the Queen of Hungary, and unconcerned about the Wants of our Fellow-Subjects; what can be imagined, but that we have some Method of exempting ourselves from the common Distress, and that we regard not the public Misery when we do not feel it?

Sir Robert Walpole.

S I R,

• It is always proper for every Man to lay down some Sir Robert  
Principles upon which he proposes to act, whether in public Walpole.

Anno 14, Geo  
II. 1740.

or private ; that he may not be always wavering, uncertain, and irresolute ; that his Adherents may know what they are to expect, and his Adversaries be able to tell why they are opposed.

‘ It is necessary, Sir, even for his own sake, that he may not be always struggling with himself ; that he may know his own Determinations, and enforce them by the Reasons which have prevailed upon him to form them ; that he may not argue in the same Speech to contrary Purposes, and weary the Attention of his Hearers with Contrasts and Antitheses.

‘ When a Man admits the Necessity of granting a Supply, expatiates upon the Danger that may be produced by retarding it, declares against the least Delay, however speciously proposed, and inforces the Arguments which have been already offered to shew how much it is our Duty and Interest to allow it ; may it not reasonably be imagined that he intends to promote it, and is endeavouring to convince them of that Necessity of which he seems himself convinced ?

‘ But when the same Man proceeds to display, with equal Eloquence, the present Calamities of the Nation, and tells, to how much better Purposes the Sum, thus demanded, may be applied ; when he dwells upon the Possibility that an impolitic Use may be made of the national Treasure ; and hints, that it may be asked for one Purpose and employed to another, what can be collected from his Harangue, however elegant, entertaining and pathetic ? How can his true Opinion be discovered ? Or how shall we fix such fugitive Reasonings, such variable Rhetoric ?

‘ I am not able, Sir, to discern, why Truth should be obscur’d ; or why any Man should take Pleasure in heaping together all the Arguments that his Knowledge may supply, or his Imagination suggest, against a Proposition which he cannot deny. Nor can I assign any good Purpose that can be promoted by perpetual Renewals of Debate, and by a Repetition of Objections, which have in former Conferences, on the same Occasion, been found of little Force.

‘ When the System of Affairs is not fully laid open, and the Schemes are in part unknown, it is easy to raise Objections formidable in Appearance, which perhaps cannot be answered till the Necessity of Secrecy is taken away. When any general Calamity has fallen upon a Nation, it is a very fruitful Topic of Rhetoric, and may be very pathetically exaggerated, upon a thousand Occasions to which it has no necessary Relation.

‘ Such in my Opinion, Sir, is the Use now made of the present Scarcity ; a Misfortune inflicted upon us by the Hand of Providence alone ; not upon us only, but upon all the Nation.

tions on this side of the Globe; many of which suffer more, Anno 14, Geo.  
but none less than ourselves. II. 1740.

• If at such a Time, it is more burthensome to the Nation to raise Supplies, it must be remembered, that it is in Proportion difficult to other Nations to oppose those Measures for which the Supplies are granted; and that the same Sum is of greater Efficacy in Times of Scarcity than of Plenty.

• Our present Distress will, I hope, soon be at End; and perhaps a few Days may produce at least some Alteration. It is not without Reason, that I expect the News of some successful Attempts in America, which will convince the Nation, that the Preparations for War have not been idle Shews contrived to produce unnecessary Expences,

• In the mean time, it is necessary that we support that Power which may be able to assist us against France, the only Nation from which any Danger can threaten us, even though our Fleet in America should be unsuccessful.

• If we defeat the Spaniards, we may assist the House of Austria without Difficulty, and if we fail in our Attempts, their Alliance will be more necessary. The Sum demanded for this important Purpose, cannot be censured as exorbitant, yet will, I hope, be sufficient: If more should hereafter appear necessary, I doubt not but it will be granted.

The Question then passed without farther Opposition,

The 14th. Received the Report of Yesterday's Resolution Votes on the Supply, viz. Resolved, That 300,000 *l.* be granted Supply. on the Supply, viz. Resolved, That 300,000 *l.* be granted Supply. his Majesty to enable him effectually to support the Queen of Hungary, and to prevent the Subversion of the House of Austria, &c.

That 75,952 *l.* 7 *s.* 4 *d.*  $\frac{3}{4}$  be granted for defraying the Charge of 6000 Hessians, from the 25th March to the 25th of December, 1741; as also 30,205 *l.* 14 *s.* 7 *d.* for Levy Money remaining unpaid for.

That 49,608 *l.* 6 *s.* 1 *d.* be granted for what remains payable of the Subsidy for the said 6000 Hessians.

That 69,841 *l.* 5 *s.* 4 *d.*  $\frac{1}{2}$  be granted for defraying the Charge of 6000 Danes, from the 25th of March to the 25th of December, 1741; as also 25,875 *l.* for Levy Money remaining unpaid for.

That 44,569 *l.* 8 *s.* 1 *d.* be granted for what remains payable of the Subsidy for the said 6000 Danes.

That 36,157 *l.* 19 *s.* 1 *d.*  $\frac{1}{2}$  be granted for several extraordinary Expences incurred 1740, and not provided for by Parliament.

That 53,995 *l.* 13 *s.* 4 *d.* be granted for maintaining a Regiment of Foot raised in America, consisting of 36 Companies for 1741.

That

Anno 14, Geo. III. 1740 That 11,611 *l.* 13 *s.* 4 *d.* be granted for the Charge of several Officers appointed to go with the Forces on board the Fleet under Lord Cathcart.

That 1277 *l.* 10 *s.* be granted for the Charge of the Staff-Officers appointed to attend the Hospital established for the Expedition under Lord Cathcart.

That 29,300 *l.* 7 *s.* 6 *d.* be granted on Account, for reduced Officers of the Land Forces and Marines for 1741.

That 4126 *l.* be granted for paying of Pensions to the Widows of Reduced Officers of the Land Forces and Marines.

That 6249 *l.* 16 *s.* 4 *d.* three Farthings, be granted to make good the Loss sustained by several Merchants, and by the Officers of the Six new-raised Independant Companies of Foot in Jamaica, by the Failure of Mr. Henry Popple, his Majesty's Agent to the said Companies.

That 1816 *l.* 17 *s.* 4 *d.* three Farthings, be granted to Richard Fitz-william Esq; Captain of an Independant Company of Foot in New Providence, to make good the Loss he sustained by the Failure of Mr. Popple.

That 650 *l.* be granted to make good a Loss sustained by the Receiver General of Scotland, by the Failure of Mr. Popple\*.

That 20,000 *l.* be granted for re-establishing the Sufferers by Fire at Charles-Town in South-Carolina.

The 15th. In a Committee, went thro' the Bill for Conviction of Persons returning from Transportation, with several Amendments†.

In a Committee, went thro' the Bill for Conviction of Persons returning from Transportation, with several Amendments†.

The 16th. Agreed to the Report of Yesterday's Resolution, in a Committee on Ways and Means, viz, Resolved, That the Sum of one Million be granted to his Majesty, out of the Surplusses and Excesses of the Sinking-Fund.

That towards raising the Supply, there be issued and applied the Sum of 11,434 *l.* 4 *s.* now remaining in the Exchequer, reserved to be disposed of by Parliament.

That the Sum of 39,588 *l.* 10 *s.* 10 *d.* three Farthings, now remaining in the Exchequer, being the Overplus of the Grants

Votes on  
Ways and  
Means.

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\* This Resolution was agreed to, on a Division, Ayes 92, Noes 65.

† A Clause was added for punishing Persons, who shall bring any Instrument or Arms into a Prison, in order to facilitate the Escape of Prisoners confined therein.

Grants for 1740, be issued and applied towards making good the Supply granted in this Session of Parliament. Ordered in a Bill accordingly. Ordered, That a Clause be inserted in the Bill, for allowing a Drawback of all Duties on such Coals, as shall be used in the working Fire-Engines for draining Tin and Copper Mines in Cornwall. Anno 14, Geo. II. 1740

Agreed to the Report of the Bill for Conviction of Persons returning from Transportation. Ordered it to be ingrossed.

The 17th. Read a third Time, and passed the Bill for Conviction of Offenders transported, unlawfully returning to Great Britain, or Ireland, &c. Ordered it to the Lords.

Read a first Time, a Bill for granting to His Majesty, a certain Sum out of the Sinking-Fund, and applying other Sums towards the Supply of the Year 1741; and for other Purposes therein mentioned.

The 18th. Read a second Time, the Sinking-Fund Bill.

The 20th. In a grand Committee, went thro' the Sinking-Fund Bill, with several Amendments.

The 21st. Agreed to the Report of the Sinking Fund Bill. Ordered it to be ingrossed.

The 22d. Read a third Time, and passed the Bill for granting to his Majesty, one Million out of the Sinking-Fund, and 51,022 l. 14 s. 10 d. three Farthings, out of the Exchequer, for 1741. Ordered it to the Lords.

Royal Assent  
given to several Bills.

The 25th. His Majesty came to the House of Peers, and gave the Royal Assent to,

1. An Act for granting to his Majesty a certain Sum out of the Sinking-Fund, and applying other Sums towards the Supply of the Year 1741, and for the other Purposes therein mentioned.

2. An Act for opening a Trade to and from Persia thro' Russia.

3. An Act for the Encouragement and Increase of Seamen, and for the better and speedier Manning his Majesty's Fleet.

4. An Act for restraining and preventing several unwarrantable Schemes and Undertakings in America.

5. An Act for the Preservation of the public Roads in England.

6. An Act for surveying the chief Ports and Headlands on the Coast of Great Britain and Ireland, and the Islands and Plantations thereto belonging, for the more exact Determination of the Longitude and Latitude thereof.

7. An Act to enable the Commissioners for building Westminster Bridge, to raise a further Sum towards finishing the same, &c.

And to one other public, and two private Acts.

After

Anno 14, Geo.  
11. 1740.

After which, his Majesty put an End to the Session, with a most gracious Speech from the Throne, as follows :

My Lords and Gentlemen,

“ The Zeal and Dispatch, with which you have gone thro’ the public Business, during the Course of this Session, are undeniable Proofs of your steady Regard to the Welfare of your Country, and consequently the most acceptable Testimonies of your Duty and Affection to me. The powerful Assistance, which you have given me for carrying on the just and necessary War, in which I am engaged, is the best Means of reducing our Enemies to Reason ; and the Vigour and Earnestness, which you have so seasonably shewn for the Defence of the House of Austria, and the Maintenance of the Ballance and Liberties of Europe, must give the greatest Encouragement to our Friends. These are the Methods to secure to this Nation that Weight and Influence abroad, which its natural Strength and Situation entitle it to.”

Gentlemen of the House of Commons,

“ It is with particular Satisfaction, I acknowledge your Readiness and Application, in raising the Supplies for the Service of the current Year ; which you have done with so just a Regard to the present Exigencies of the Public, as shews you to be the true Representatives of my faithful Commons.”

My Lords and Gentlemen,

“ I cannot part with this Parliament, without publicly returning you my Thanks, for the many eminent Instances which you have given me, of your Fidelity and Affection to my Person and Government ; your fixed Resolution to maintain the Protestant Succession in my Family ; and your unshaken Adherence to the true Interest of your Country. You have, with the most becoming Spirit and Firmness, exerted yourselves in vindicating and defending the Honour of my Crown, and the undoubted Rights of Navigation and Commerce belonging to my Subjects ; and enabled me to revenge these Wrongs and Insults, which, contrary to the Faith of Treaties, had been committed against both. In so critical a Conjunction, you have supported the national Credit, and strengthened the Hands of my Government, to a Degree exceeding the Expectations of those, who wished well to us ; and to the manifest Disappointment of such, as envied our Prosperity. At the same Time, you have demonstrated to all the World, that Great Britain is in a Condition, not only to defend herself, but also to afford a due Support to her Allie’s, and the common Cause of Europe. As such a Conduct must give a lasting Reputation to this Parliament,

Parliament, so it will be the Subject of Emulation to those which shall come after it.

"I will immediately give the necessary Orders for calling a new Parliament. There is not any thing I set so high a Value upon, as the Love and Affection of my People; in which I have so entire a Confidence, that it is with great Satisfaction, I see this Opportunity put into their Hands, of giving me fresh Proofs of it, in the Choice of their Representatives.

"On the present Establishment depends the Continuance of our excellent Constitution in Church and State; and in this Constitution consists the Security of the present Establishment: Nothing can hurt the one, that will not, in proportion, undermine and weaken the other. For my Part, the uniform Preservation of both, and the Maintenance of the religious and civil Rights of all my Subjects, have been, and ever shall be, my constant Care. Those who distinguish themselves by persevering in these Principles, shall always find my Countenance and Favour; and, by invariably pursuing these wise and honest Measures, we may entertain the best grounded Hopes, that, under the Protection of the Divine Providence, the Happiness of Great Britain will be perpetuated to Posterity."

### *A State of the National Debt.*

	s.	d.
The Amount of the National Debt on December 31, 1737, was	47,185,869	10 1
Increased between Decem. 31, 1737, and December 31, 1738.	300,000	0 0
Paid off within the said Time	1,171,040	0 0

The Amount of the National Debt on December 31, 1738, was	46,314,829	10 1
Increased between Decem. 31, 1738, and December 31, 1739, Nil.		
Paid off within the said Time	184,883	6 8

The Amount of the National Debt on December 31, 1739, was	46,129,946	3 5
Increased between Decem. 31, 1739, and December 31, 1740, Nil.		
Paid off within the said Time	186,000	0 0

The Amount of the National Debt on December 31, 1740, was	45,943,946	3 5
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PARTICULARS omitted in the *Last Session*, which did not occur in Order of Time.

*The DEBATE on the Corn-Bill, which was brought in November 20, and passed December 24.*

Mr. Pulteney.

S I R,

Mr. Pulteney.

**A**FTER all the Attention which has been bestowed upon the Bill now before us, I cannot yet conceive it such as can benefit the Nation, or such as will not produce far greater Inconveniencies than those which it is intended to obviate, and therefore as those Inconveniencies may be prevented by other Means, I cannot but declare that I am far from approving it.

Our Ancestors, Sir, have always thought it the great Business of this House to watch against the Encroachments of the Prerogative, and to prevent any Increase of the Power of the Minister, and the Members have always been considered as more faithful to their Trust, and more properly the Representatives of the People, in Proportion as they have considered this great End with more Attention, and prosecuted it with more invariable Resolution. If we enquire into the different Degrees of Reputation, which the several Assemblies of Members have obtained, and consider why some are remembered with Reverence and Gratitude, and others never mentioned but with Detestation and Contempt, we shall always find that their Conduct, with regard to this single Point, has produced their Renown or their Infamy. Those are always by the general Suffrage of Mankind applauded as the Patrons of their Country, who have struggled with the Influence of the Crown, and those condemned as Traytors, who have either promoted it by unreasonable Grants, or seen it increase by slow Degrees without Resistance.

It

It has not indeed, Sir, been always the Practice of Ministers to make open Demands of larger Powers, and avow, without Disguise, their Designs of extending their Authority; such Proposals would, in former Times, have produced no Consequences but that of awakening the Vigilance of Parliament, of raising Suspicions against all their Proceedings, and of embarrassing the Crown, with Petitions, Addresses, and Impeachments.

They were under a Necessity in those Times of promoting their Schemes, those Schemes which scarcely any Minister has forborn to adopt, by more secret, artful, and silent Methods; by Methods of diverting the Attention of the Public to other Objects, and of making invisible Approaches to the Point in View, while they seemed to direct all their Endeavours to different Purposes.

But such, Sir, have been the Proofs of implicate Confidence, which the Administration has received from this House, that it is now common to demand unlimited Powers, and to expect Confidence without Restriction; to require an immediate Possession of our Estates by a Vote of Credit, or the sole Direction of our Trade by an Act for prohibiting, during their Pleasure, the Exportation of the Produce of our Lands.

Upon what Instances of uncommon Merit, of Regard to the public Prosperity, unknown in former Times, or of Discernment superior to that of their most celebrated Predecessors, the present Ministers found their new Claims to Submission and to Trust, I am indeed at a loss to discover; for, however Mankind may have determined concerning the Integrity of those by whom the late memorable Convention was transacted, defended, and confirmed, I know not that their Wisdom has yet appeared by any incontestable or manifest Evidence, which may set their Abilities above Question, and fix their Reputation for Policy out of the Reach of Censure and Enquiries.

The only Act, Sir, by which it can be discovered that they have any Degree of Penetration proportionable to their Employments, is the Embargo lately laid upon Provisions in Ireland, by which our Enemies have been timely hindered from furnishing themselves from our Dominions with Necessaries for their Armies and their Navies, and our Fellow-Subjects have been restrained from exposing themselves to the Miseries of Famine, by yielding to the Temptation of present Profit; a Temptation generally so powerful as to prevail over any distant Interest.

But as nothing is more contrary to my natural Disposition, or more unworthy of a Member of this House than

Flattery, I cannot affirm that I ascribe this useful Expedient wholly to the Sagacity or the Caution of the Ministry, nor can I attribute all the happy Effects produced by it to their benign Solitude for the public Welfare.

• I am inclined to believe that this Step was advised by those who were prompted to consider its Importance by Motives more prevalent than that of public Spirit; and that the Desire of Profit, which has so often dictated pernicious Measures, has for once produced, in return, an Expedient just and beneficial; and it has for once, luckily fallen out, that some of the Friends of the Administration have discovered that the public Interest was combined with their own.

• It is highly probable, Sir, that the Contractors for supplying the Navy with Provisions, considering with that Acuteness which a quick Sense of Loss and Gain always produces, how much the Price of Victuals would be raised by Exportation, and by Consequence how much of the Advantage of their Contracts would be diminished, suggested to the Ministry the Necessity of an Embargo, and laid before them those Arguments which their own Observation and Wisdom would never have discovered.

• Thus, Sir, the Ministers in that Instance of their Conduct, on which their political Reputation must be founded, can claim perhaps no higher Merit, than that of attending to superior Knowledge of complying with good Advice when it was offered, and of not resisting Demonstration when it was laid before them.

• But as I would never ascribe to one Man the Merit of another, I should be equally unwilling to detract from due Commendations, and shall therefore freely admit, that not to reject good Council is a Degree of Wisdom, at which I could not expect that they by whom the Convention was concluded would ever have arrived.

• But whatever Proficiency they may have made in the Art of Government since that celebrated Period, however they may have increased their Maxims of domestic Policy, or improved their Knowledge of foreign Affairs, I cannot but confess myself still inclined to some Degree of Suspicion, nor can prevail upon myself to shut my Eyes and deliver up the Public and myself implicitly to their Direction.

• Their Sagacity, Sir, may perhaps of late have received some Improvements from longer Experience; and with regard to their Integrity, I believe at least that it is not much diminished; and yet I cannot forbear asserting the Right of judging for myself, and of determining according to the Evidence that shall be brought before me.

I have hitherto entertained an Opinion that for this Purpose only we are deputed by our Constituents, who, if they had reposed no Confidence in our Care and Abilities, would have given up long since the vexatious Right of contesting for the Choice of Representatives. They would have furnished the Ministry with general Powers to act for them, and sat at Ease with no other Regard to public Measures than might incite them to animate with their Applauses the laudable Endeavours of their profound, their diligent, and their magnanimous Governors.

As I do not therefore check any Suspicions in my own Mind, I shall not easily be restrained from uttering them, because I know not how I shall benefit my Country, or assist her Councils by silent Meditations. I cannot, Sir, but observe that the Powers conferred by this Bill upon the Administration are larger than the Nation can safely repose in any Body of Men, and with which no Man, who considers to what Purposes they may be employed, will think it convenient to invest the Negotiators of the Convention.

Nor do my Objections to this Act arise wholly from my Apprehensions of their Conduct, who are intrusted with the Execution of it, but from my Reflections on the Nature of Trade, and the Conduct of those Nations who are most celebrated for commercial Wisdom.

It is well known, Sir, how difficult it is to turn Trade back into its ancient Channel, when it has by any means been diverted from it, and how often a profitable Traffic has been lost for ever, by a short Interruption, or temporary Prohibition. The Resentment of disappointed Expectations, inclines the Buyer to seek another Market, and the Civility to which his new Correspondents are incited by their own Interest, detains him, till those by whom he was formerly supplied, having no longer any Vent for their Products or their Wares, employ their Labours on other Manufactures, or cultivate their Lands for other Purposes.

Thus, Sir, if those Nations who have hitherto been supplied with Corn from Great Britain, should find a Method of purchasing it from Denmark, or any other of the Northern Regions, we may hereafter see our Grain rotting in our Storehouses, and be burthened with Provisions which we can neither consume ourselves, nor sell to our Neighbours.

The Dutch, whose Knowledge of the Importance or Skill in the Arts of Commerce will not be questioned, are so careful to preserve the Inlets of Gain from Obstruction, that they make no scruple of supplying their Enemies with their Commodities, and have been known to sell at Night those Bullets which were next Day to be discharged against them.

Whether

‘ Whether their Example, Sir, deserves our Imitation I am not able to determine, but it ought at least to be considered whether their Conduct was rational or not, and whether they did not, by a present Evil, ensure an Advantage which overbalanced it.

‘ There are doubtless, Sir, sometimes such Exigencies as require to be complied with at the hazard of future Profit, but I am not certain that the Scarcity which is feared or felt at present, is to be numbered amongst them; but however formidable it may be thought, there is surely no need of a new Law to provide against it; For it is one of those extraordinary Incidents, on which the King has the Right of exerting extraordinary Powers. On Occasions like this the Prerogative has heretofore operated very effectually, and I know not that the Law has ever restrained it.

‘ It is therefore, Sir, in my Opinion, most prudent to determine nothing in so dubious a Question, and rather to act as the immediate Occasion shall require, than prosecute any certain Method of proceeding, or establish any Precedent by an Act of the Senate.

‘ To restrain that Commerce by which the Necessaries of Life are distributed in a very bold Experiment, and such as once produced an Insurrection in Turkey, that terminated in the Deposition of one of their Monarchs.

‘ I therefore willingly confess, Sir, that I know not how to conclude: I am unwilling to deprive the Nation of Bread, or to supply our Enemies with Strength to be exerted against ourselves; but I am on the other hand afraid to restrain Commerce, and to trust the Authors of the Convention.

Mr. Henry Pelham,

S I R,

Mr. Pelham.

‘ I am always in expectation of Improvement and Instruction when that Gentleman engages in any Discussion of national Questions, on which he is equally qualified to judge by his great Abilities and long Experience, by that Popularity which enables him to sound the Sentiments of Men of different Interests, and that Intelligence which extends his Views to distant Parts of the World; but on this Occasion I have found my Expectations frustrated, for he has enquired without making any Discovery, and harangued without illustrating the Question before us.)

‘ He has satisfied himself, Sir, with declaring his Suspicions, without condescending to tell us what Designs or what Dangers he apprehends. To fear without being able to shew the Object of our Terrors, is the last, the most despicable Degree of Cowardice; and to suspect without knowing the Foundation of our own Suspicions is surely a Proof of a State

of

of Mind, which would not be applauded on common Occasions, and such as no Man but a Patriot would venture to confess.

• He has indeed, Sir, utter'd some very ingenious Conceits upon the late Convention, has alluded to it with great Luxuriance of Fancy, and Elegance of Diction; and I must at least confess that, whatever may be its Effects upon the Interest of the Nation, it has to him been very beneficial; as it has supplied him with a Subject of Raillery when other Topics began to fail him, and given Opportunity for the Exercise of that Wit which began to languish for want of Employment.

• What Connection his wonderful Sagacity has discovered between the Convention and a Corn-bill, I cannot yet fully comprehend, but have too high an Opinion of his Abilities to imagine that so many Insinuations are wholly without any Reason to support them. I doubt not therefore, Sir, but that when some fitter Opportunity shall present itself he will clear their Resemblance, and branch out the Parallel between them into a thousand Particulars.

• In the mean Time, Sir, it may be proper for the House to expedite the Bill against which no Argument has yet been produced, and which is of too much Importance to be delayed by Raillery or Invectives.

Mr. Sandys.

S I R,

• The Bill before us as it is of too much Importance, to Mr. Sandys. be negligently delayed, is likewise too dangerous to be precipitately hurried into a Law.

• It has been always the Practice of this House to consider Money-Bills with particular Attention, because Money is Power in almost the highest Degree, and ought not therefore to be given but upon strong Assurances, that it will be employed for the Purposes for which it is demanded, and that those Purposes are in themselves just.

• But if we consider, Sir, the Bill now before us, it will appear yet more than a Money-Bill; it will be found a Bill for regulating the Disposal of that, which it is the great Use of Money to procure, and is therefore not to be passed into a Law without a close Attention to every Circumstance that may be combined with it, and an accurate Examination of all the Consequences that may be produced by it.

• Some of these Circumstances or Consequences, it is the Duty of every Member to lay before the House; and I shall therefore propose, that the Inducements to the Discovery of any Provisions illegally exported, and the Manner of levying the Forfeiture, may be particularly discussed; for by a Defect in this Part, the Regulation lately established by the Regency,

Regency, however seasonable, produced Tumults and Distractions which every good Government ought studiously to obviate,

‘ By their Proclamation, Sir, half the Corn that should be found designed for Exportation was to be given to those who should discover and seize it. The Populace alarmed at once with the Danger of a Famine, and animated by a Proclamation that put into their own Hands the Means of preventing it, and the Punishment of those from whose Avarice they apprehended it, rose in Throngs to execute so grateful a Law. Every Man, Sir, whose Distress had exasperated him, was incited to gratify his Resentment; every Man whose Idleness prompted him to maintain his Family by Methods more easy than that of daily Labour, was delighted with the Prospect of growing Rich on a sudden by a lucky Seizure. All the Seditious and the Profligate combined together in the welcome Employment of Violence and Rapine, and when they had once raised their Expectations, there was no small Danger, lest their Impatience of Disappointment should determine them to conclude, that Corn, wherever found, was designed for Exportation, and to seize it as a lawful Prize.

‘ Thus, Sir, by an imprudent Regulation, was every Man's Property brought into Hazard, and his Person exposed to the Insults of a hungry, a rapacious, and ungovernable Rabble, let loose by a public Proclamation, and encouraged to search Houses and Carriages by an imaginary Law.

‘ That we may not give Occasion to Violence and Injustice of the same kind, let us carefully consider the Measures which are proposed before we determine upon their Propriety, and pass no Bill on this important Occasion without such Deliberation as may leave us nothing to change, or to repent.’

Mr. Earl.

S I R,

Mr. Earl.

‘ Notwithstanding the Dangers which have been represented as likely to arise from any Error in the Prosecution of this great Affair, I cannot but declare my Opinion, that no Delay ought to be admitted, and that not even the specious Pretence of more exact Enquiries, and minute Considerations, ought to retard our Proceedings for a Day.

‘ My Imagination, Sir, is perhaps not so fruitful as that of some other Members of this House, and therefore they may discover many Inconveniencies, which I am not able to conceive. But as every Man ought to act from his own Conviction, it is my Duty to urge the Necessity of passing this Bill till it can be proved to me, that it will produce

Calamities

Calamities equally to be dreaded with the Consequences of protracting our Debates upon it, equal to the Miseries of a Famine, or the Danger of enabling our Enemies to store their Magazines, to equip their Fleets, and victual their Garrisons.

• If it could be imagined that there was in this House a Subject of France or Spain, zealous for the Service of his Prince, and the Prosperity of his Country, I should expect that he would summon all his Faculties to retard the Progress of this Bill, that he would employ all his Sophistry to shew its Inconveniency and Imperfections, and exhaust his Invention to suggest the Dangers of Haste; and certainly he could do nothing that would more effectually promote the Interest of his Countrymen, or tend more to enfeeble and depress the Power of the British Nation.

• If this would naturally be the Conduct of an Enemy, it is unnecessary to prove that we can only be safe by acting in Opposition to it, and I think it superfluous to vindicate my Ardour for promoting this Bill, when it is evident that its Delay would be pleasing to the Spaniard.

Mr. \* Burrell.

SIR,

• If this Law be necessary at any Time, it cannot now be delay'd; for a few Days spent in Deliberation may make it ineffectual, and that Evil may be past of which we sit here contriving the Prevention.

• That many Contracts, Sir, for the Exportation of Provisions are already made in all the Maritime Parts of the Kingdom, is generally known; and it requires no great Sagacity to discover that those by whom they are made, and made with a View of immense Profit, are desirous that they may be executed; and that they will soon compleat the Execution of them, when they are alarmed with the Apprehension of a Bill which in a few Days may take from them the Power of exporting what they have already collected, and snatch their Gain from them when it is almost in their Hands.

• A Bill for these Purposes, Sir, ought to fall upon the Contractors like a sudden Blow, of which they have no Warning or Dread; against which they therefore cannot provide any Security, and which they can neither elude nor resist.

• If we allow them a short Time, our Expedients will be of little Benefit to the Nation, which is every Day impoverish'd by the Exportation of the Necessaries of Life, in such Quantities, that in a few Weeks the Law, if it be pas-

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sed.

\* Sub-Governour of the South-Sea Company.

fed, may be without Penalties, for there will be no Possibility of disobeying it.

Sir John Barnard.

S I R,

Sir John  
Barnard.

• I cannot discover the Necessity of pressing the Bill with such Precipitation, as must necessarily exclude many useful Considerations, and may produce Errors extremely dangerous; for I am not able to conceive what Inconveniencies can arise from a short Delay.

• The Exportation of Provisions from Ireland is at present stopped by the Proclamation; and the Beef which was designed for other Nations, has been prudently bought up by the Contractors, by which those Murmurs have been in a great Measure obviated, which naturally arise from Disappointments and Losses.

• There is therefore, Sir, no Danger of Exportations from that Part of our Dominions, which is the chief Market for Provisions, and from whence our Enemies have been generally supplied: In Great Britain there is less Danger of any such pernicious Traffic, both because the Scarcity here has raised all Provisions to a high Price, and because Merchants do not immediately come to a new Market.

• The Bill, at least, ought not to be passed without Regard to the general Welfare of our Fellow-Subjects, nor without an attentive Consideration of those Petitions which have been presented to us; Petitions not produced by panic Apprehensions of imaginary Dangers, or distant Prospects of Inconveniencies barely possible, but by the certain Foresight of immediate Calamities, the total Destruction of Trade, and the sudden Desolation of flourishing Provinces.

• By prohibiting the Exportation of Rice, we shall, Sir, in one Year, reduce the Colony of South Carolina below the Possibility of subsisting; the chief Product of that Country, the Product which induced us originally to plant it, and with which all its Trade is carried on, is Rice. With Rice the Inhabitants of that Province purchase all the other Necessaries of Life, and among them the Manufactures of our own Country. This Rice is carried by our Merchants to other Parts of Europe, and sold again for large Profit.

• That this Trade is very important appears from the Number of Ships which it employs, and which, without Lading, must rot in the Harbours, if Rice be not excepted from the general Prohibition. Without this Exception, Sir, it is not easy to say what Numbers, whose Stations appear very different, and whose Employments have no visible Relation to each other, will be at once involved in Calamity,

reduced

reduced to sudden Distress, and obliged to seek new Methods of supporting their Families. The Sailor, the Merchant, the Shipwright, the Manufacturer, with all the Subordinations of Employment that depend upon them, all that supply them with Materials, or receive Advantage from their Labours, almost all the Subjects of the British Crown must suffer at least in some Degree, by the Ruin of Carolina.

‘Nor ought the Danger of the Sugar Islands, and other Provinces, less to alarm our Apprehensions, excite our Compassion, or employ our Consideration, since nothing is more evident than that, by passing this Bill without the Exceptions which their Petitions propose, we shall reduce one Part of our Colonies to the Want of Bread, and confine the other to live on nothing else; for they subsist by the Exchange of those Products to which the Soil of each Country is peculiarly adapted: One Province affords no Corn, and the other supplies its Inhabitants with Corn only.

‘The Necessity of expediting this Bill, however it has been exaggerated, is not so urgent but that we may be allowed Time sufficient to consider for what Purpose it is to be passed, and to recollect that nothing is designed by it, but to hinder our Enemies from being supplied from the British Dominions with Provisions, by which they might be enabled more powerfully to carry on the War against us.

‘To this Design no Objection has been made, but it is well known, that a good End may be defeated by an absurd Choice of Means; and I am not able to discover how we shall increase our own Strength, or diminish that of our Enemies, by compelling one Part of our Fellow-Subjects to starve the other.

‘It is necessary, Sir, to prohibit the Exportation of Corn to the Ports of our Enemies, and of those Nations by which our Enemies will be supplied, but surely it is of no Use to exclude any Part of our own Dominions from the Privilege of being supplied from another. Nor can any Argument be alleged in Defence of such a Law, that will not prove, with equal Force, that Corn ought to remain in the same Granaries where it is now laid, that all the Markets in this Kingdom should be suspended, and that no Man should be allowed to sell Bread to another.

‘There is, indeed, Sir, a Possibility that the Liberty for which I contend may be used to wicked Purposes, and that some Men may be incited by Poverty or Avarice to carry the Enemy those Provisions, which they pretend to export to British Provinces. But if we are to refuse every Power that may be employed to bad Purposes, we must lay all Mankind in Dungeons, and divest human Nature of all its Rights; for

every Man that has the Power of Action, may sometimes act ill.

‘ It is, however, prudent to obstruct criminal Attempts even when we cannot hope entirely to defeat them, and therefore I am of Opinion, that no Provisions ought to be exported without some Method of Security, by which the Governors of every Place may be assured that they will be conveyed to our own Colonies. Such Securities will easily be contrived, and may be regulated in a Manner that they shall not be defeated without such Hazard, as the Profit that can be expected from illegal Commerce, will not be able to compensate.

It is therefore, Sir, proper to delay the Bill so long at least as that we may produce by it the Ends intended, and distress our Enemies more than ourselves; that we may secure Plenty at Home, without the Destruction of our distant Colonies, and without obliging Part of our Fellow-Subjects to desert to the Spaniards for Want of Bread.’

Mr. Bowles,

S I R,

Mr. Bowles.

‘ The Necessity of excepting Rice from the general Prohibition is not only sufficiently evinced by the Agents of South Carolina, but confirmed beyond Controversy or Doubt by the Petition of the Merchants of Bristol, of which the Justice and Reasonableness appears at the first View to every Man acquainted with the Nature of Commerce.

‘ How much the Province of South Carolina will be distressed by this Prohibition, how suddenly the whole Trade of that Country will be at a Stand, and how immediately the Want of many of the Necessaries of Life will be felt over a very considerable Part of the British Dominions, has already, Sir, been very pathetically represented, and very clearly explained, nor does there need any other Arguments to persuade us to allow the Exportation of Rice.

‘ But, from the Petition of the Merchants of Bristol it appears, that there are other Reasons of equal Force for this Indulgence, and that our Regard for the Inhabitants of that particular Province, however necessary and just, is not the only Motive for complying with their Request.

‘ It is shewn, Sir, in this Petition, that the Prohibition of Rice will very little incommode our Enemies, or retard their Preparations; for they are not accustomed to be supplied with it from our Plantations. We ought, therefore, not to load our Fellow-Subjects with Embarrassments and Inconveniences, which will not in any Degree extend to our Enemies.

It appears, Sir, not only that a very important Part of our Commerce will be obstructed, but that it will probably be lost beyond Recovery; for, as only a small Quantity of the Rice of Carolina is consumed at Home, and the rest is carried to other Countries, it is easy to conceive that those who shall be disappointed by our Merchants will procure so necessary a Commodity from other Places, as there are many from which it may be easily purchased; and it is well known that Trade, if it be once diverted, is not to be recalled, and therefore that Trade which may be without Difficulty transferred, ought never to be interrupted without the most urgent Necessity.

To prove, Sir, that there is now no such Necessity, by a long Train of Arguments, would be superfluous, for it has been shewn already, that our Enemies will not suffer by the Prohibition, and the Miseries that inevitably arise from a State of War are too numerous and oppressive, to admit of any Increase or Aggravation upon trivial Motives.

The Province of Carolina, Sir, has already suffered the Inconveniencies of this War beyond any other Part of his Majesty's Dominions, as it is situated upon the Borders of the Spanish Dominions, and as it is weak by the Paucity of the Inhabitants in Proportion to its Extent: Let us therefore pay a particular regard to this Petition, lest we aggravate the Terror which the Neighbourhood of a powerful Enemy naturally produces, by the severe Miseries of Poverty and Famine.

Sir Robert Walpole.

SIR,

Nothing is more absurd than for those who declare on all Occasions, with great Solemnity, their sincere Zeal for the Service of the Public, to protract the Debates of this House by personal Invektives, and delay the Prosecution of the Business of the Nation, by trivial Objections, repeated after Confutation, and perhaps after Conviction of their Invalidity.

I need not observe how much Time would be spared, and how much the Dispatch of Affairs would be facilitated, by the Suppression of this Practice, a Practice by which Truth is levelled with Falshood, and Knowledge with Ignorance; since, if Scurrility and Merriment are to determine us, it is not necessary either to be honest or wise to obtain the Superiority in any Debate; it will only be necessary to rail and to laugh, which one Man may generally perform with as much Success as another,

The

The Embargo in Ireland was an Expedient so necessary and timely, that the Reputation of it is thought too great to be allowed to the Administration, of whom it has been for many Years the hard Fate to hear their Actions censured, only because they were not the Actions of others, and to be represented as Traytors to their Country, for doing always what they thought best themselves, and perhaps sometimes what was in reality approved by those who opposed them.

‘ This, Sir, they have borne without much Uneasiness, and have contented themselves with the Consciousness of doing right, in Expectation that Truth and Integrity must at last prevail, and that the Prudence of their Conduct and Success of their Measures would at last evince the Justice of their Intentions.

‘ They hoped, Sir, that there would be some Occasions on which their Enemies would not deny the Expedience of their Counsels, and did not expect that after having been so long accused of engrossing exorbitant Power, of rejecting Advice, and pursuing their own Schemes with the most invincible Obstinacy, they should be supposed on a sudden to have laid aside their Arrogance, to have descended to adopt the Opinions, and give themselves up to the Direction of others, only because no Objection could be made to this Instance of their Conduct.

‘ How unhappy, Sir, must be the State of that Man who is only allowed to be a free Agent, when he acts wrong, and whose Motions, whenever they tend to the proper Point, are supposed to be regulated by another !

‘ Whether such capricious Censurers expect that any Regard should be paid by the Public to their Invectives, I am not able to determine, but I am inclined to think so well of their Understandings, as to believe that they intend only to amuse themselves, and perplex those whom they profess to oppose. In one Part of their Scheme I know not but they may have succeeded, but in the other it is evident how generally they have failed. It must at least, Sir, be observed of these great Patrons of the People, that if they expect to gain them by Artifices like this, they have no high Opinion of their Discreetment, however they may sometimes magnify it as the last Appeal, and highest Tribunal.

‘ With regard, Sir, to the Manner in which the Embargo was laid, and the Expedients made use of to enforce the Observation of it, they were not the Effects of a sudden Resolution, but of long and deliberate Reflection, assisted by the Councils of the most experienced and judicious Persons of both Nations, so that if any Mistake was committed, it proceeded

ceeded not from Arrogance or Carelessness, but a Compliance with Reasons, that, if laid before the House, would, whether just or not, be allowed to be specious.

• But, Sir, it has not appeared that any improper Measures have been pursued, or that any Inconveniencies have arisen from them which it was possible to have avoided by a different Conduct; for when any Expedient fails of producing the End for which it was proposed, or gives Occasion to Inconveniencies which were neither expected nor designed, it is not immediately to be condemned; for it might fail from such Obstacles as nothing could surmount, and the Inconveniencies which are complained of, might be the Consequences of other Causes acting at the same time, or co-operating, not by the Nature of Things, but by the Practices of those who prefer their own Interest to that of their Country.

• But tho' it is, in my Opinion, easy to defend the Conduct of the Ministry, I am far from thinking this a proper Time to engage in their Vindication. The important Business before us must now wholly engage us, nor ought we to employ our Attention upon the past but the future. Whatever has been the Ignorance or Knowledge, whatever the Corruption or Integrity of the Ministry, this Bill is equally useful, equally necessary. The Question is now concerning an Act of the Parliament, not of the Ministry, and the Bill may proceed without obstructing future Examinations.

• If the Bill, Sir, now before us be so far approved as to be conceived of any real Benefit to the Nation, if it can at all contribute to the Distress or Disappointment of our Enemies, or the Prevention of those domestic Disturbances which are naturally produced by Scarcity and Misery; there is no need of Arguments to evince the Necessity of Undispatch in passing it. For if these Effects are to be produced by preventing the Exportation of Provisions, and a Law is necessary for that Purpose, it is certain that the Law must be enacted, while our Provisions are yet in our Hands, and before Time has been given for the Execution of those Contracts which are already made.

• That Contracts, Sir, are entered into for Quantities that justly claim the Care of the Legislative Power, I have been informed by such Intelligence as I cannot suspect of deceiving me. In one small Town in the Western Part of this Kingdom fifty thousand Barrels of Corn are sold by Contract, and will be exported, if Time be allowed for collecting and for shipping them.

• A few Contracts like this will be sufficient to store an Army with Bread, or to furnish Garrisons against the Danger of a Siege; a few Contracts like this will produce a considerable

considerable Change in the Price of Provisions, and plunge innumerable Families into Distress, who might struggle thro' the present Difficulties, which unsuccessful Harvests have brought upon the Nation, had we not sold the Gifts of Providence for petty Gain, and supported our Enemies with those Provisions which were barely sufficient for our own Consumption.

‘ I have not heard many Objections made against the Intention of the Bill, and those which were offered, were mentioned with such Diffidence and Uncertainty as plainly shewed, that, even in the Opinion of him that proposed them, they were of little Weight; and I believe they had no greater Effect upon those that heard them. It may therefore be reasonably supposed, that the Propriety of a Law to prevent the Exportation of Victuals is admitted, and surely it can be no Question, whether it ought to be pressed forward, or to be delayed till it will be of no effect.’

Mr. Fazakerley.

S I R,

Mr. Fazakerley.

‘ As the Bill now under our Consideration is entangled with a Multitude of Circumstances too important to be passed by without Consideration, and too numerous to be speedily examined; as its Effects, whether salutary or pernicious, must extend to many Nations, and be felt in a few Weeks to the remotest Parts of the Dominions of Great Britain, I cannot but think, that they, who so much press for Expedition on this Occasion, consult rather their Passions than their Reason, that they discover rather Enthusiasm than Zeal, and that by imagining that they have already traced the Effects of a Law like this to their utmost Extent, they discover rather an immoderate Confidence in their own Capacity, than give any Proofs of that anxious Caution, and deliberate Prudence, which true Patriotism generally produces.’

‘ There is another Method, Sir, of proceeding more proper on this Occasion, which has been already pointed out in this Debate, a Method of exciting the Prerogative in a manner allowed by Law, and established by immemorial Precedents, and which may therefore be revived without affording any room for Jealousy or Complaints.

‘ An Embargo imposed only by the Prerogative may be relaxed or enforced as Occasion may require, or regulated according to the Necessity arising from particular Circumstances; Circumstances in themselves variable, and subject to the Influence of a thousand Accidents, and which therefore cannot be always foreseen, or provided against by a Law positive and fixed.

‘ Let

‘ Let us not subject the Commonwealth to a hazardous and uncertain Security, while we have in our Hands the means of producing the same End, with less Danger and Inconveniency; and, since we may obviate the Exportation of our Corn by Methods more speedily efficacious than the Forms of making Laws can allow, let us not oppress our Fellow-Subjects by hasty or imprudent Measures, but make Use of temporary Expedients, while we deliberate upon the Establishments of a more lasting Regulation.’

Mr. Campbell.

S I R,

‘ That an Embargo on Merchandize or Provisions; may Mr. Campbell, upon sudden Emergencies, or important Occasions, be imposed by the Prerogative, cannot be doubted by any Man whose Studies have made him acquainted with the Extent of the Regal Power, and the manner in which it has been exerted in all Ages. The chief Use of the Prerogative is to supply the Defects of the Laws, in Cases which do not admit of long Consultations, which do not allow Time to convoke Parliaments, or enquire into the Sentiments of the People.

‘ For this Reason, in Times of War, the Royal Power is much enlarged, and has still a greater Extent as Exigencies are more pressing. If the Nation is invaded by a foreign Force, the Authority of the Crown is almost without Limits; the whole Nation is considered as an Army, of which the King is General, and which he then governs by martial Laws, by occasional Judicature, and extemporary Decrees.

‘ Such, Sir, is the Power of the King on particular Emergencies, and such Power the Nature of human Affairs must sometimes require; for all Forms of Government are intended for common Good, and calculated for the established Condition of Mankind, but must be suspended when they can only obstruct the Purposes for which they were contrived, and must vary with the Circumstances to which they were adapted. To expect that the People shall be consulted in Questions on which their Happiness depends, supposes there is an Opportunity of consulting them without hazarding their Lives, their Freedom, or their Possessions, by the Forms of Deliberation.

‘ The Necessity of extending the Prerogative to the Extremities of Power, is, I hope, at a very great Distance from us; but, if the Danger of the Exportation of Victuals be so urgent as some Gentlemen have represented it, and so formidable as it appears to the whole Nation, it is surely

requisite that the latent Powers of the Crown should be called forth for our Protection, that Plenty be secured within the Nation by barring up our Ports, and the People hindered from betraying themselves to their Enemies, and squandering those Blessings which the Fertility of our Soil has bestowed upon them.

Sir Robert Walpole.

S I R,

Sir Robert  
Walpole.

‘ It is so unusual among the Gentlemen who have opposed my Opinion, to recommend an Exertion of the Regal Authority, or willingly to entrust any Power to the Administration, that, tho’ they have on this Occasion expressed their Sentiments without any Ambiguity of Language, or Perplexity of Ideas, I am in doubt whether I do not mistake their Meaning, and cannot, without Hesitation and Uncertainty, propose the Motion to which all their Arguments seem necessarily to conduct me; Arguments of which I do not deny the Force, and which I shall not attempt to invalidate by slight Objections, when I am convinced in general of their Reasonableness and Truth.

‘ The Necessity of that Dispatch which I have endeavoured to recommend, is not only universally admitted, but affirmed to be so pressing, that it cannot wait for the Solemnity of Debates, or the common Forms of passing Laws. The Danger, which is every Moment increasing, requires, in the Opinion of these Gentlemen, to be obviated by extraordinary Measures; and that pernicious Commerce, which threatens the Distress of the Community, is to be restrained by an immediate Act of the Prerogative.

‘ If this be the Opinion of the House, it will be necessary to lay it before his Majesty by a regular Address, that the Nation may be convinced of the Necessity of such extraordinary Precaution, that the Embargo may be imposed, at once, with the Expedition peculiar to despotic Power, and the Authority which can be conferred only by parliamentary Sanctions.

‘ Whether this is the Intention of the Members, from whose Declarations I have deduced it, can only be discovered by themselves, who, if they have any other Scheme in View, must explain it in clearer Terms, that the House may deliberate upon it, according to its Conformity to the Laws of our Country, and to the present State of our Affairs.’

Mr. Pulteney.

S I R,

Mr. Pulteney.

‘ Whatever may be the Meaning of other Gentlemen, who must undoubtedly be left at full Liberty to explain their own

own Expressions, I will freely declare, that I am sufficiently understood by the Right Honourable Gentleman, and that, in my Opinion, no Remedy can be applied to the present Distemper of the Nation, a Distemper by which it is hourly pining away, by which its Vitals are impaired, and the necessary Nourishment withdrawn from it, that will operate with sufficient Efficacy and Speed, except an Embargo be imposed by the Prerogative.

‘ That this Opinion, if received by the House, must be the Subject of an Address, is in itself manifest; and the Reason for which an Embargo is required, proves that an Address ought not to be delayed.

‘ I cannot omit this Opportunity of remarking, how plainly it must now appear that many of us have been unjustly charged with obstructing the Progress of the Bill for pernicious Purposes, with Views of raising Discontents in the Nation, of exposing the Administration to public Hatred, of obstructing the Measures of the Government, or hindering the Success of the War, when we have receded from our general Principles, and suspended the Influence of our established Maxims for the sake of facilitating an Expedient which may promote the general Advantage, by recommending his Majesty to the Affections of his People.’

Mr. Henry Pelham.

S I R,

‘ I am far from blaming any Gentleman for asserting, on all Occasions, the Integrity of his Designs, or displaying the Reasonableness of his Conduct; and of what I do not disapprove, I shall not decline the Imitation. Mr. Henry Pelham.

‘ It is not uncommon, in the Heat of Opposition, while each Man is convinced of his own Honesty, and strongly persuaded of the Truth of his own Positions, to hear each Party accused by the other of Designs detrimental to the public Interest, of protracting Debates by artful Delays, of struggling against their own Conviction, and of obscuring known Truth by Objections which discover themselves to be without Force.

‘ These Accusations, which are on both Sides frequent, are, I hope, on both Sides generally false; at least it must appear on this Occasion, that those who press the Bill had no Views of strengthening their Party by a Victory, of wearying their Opponents by Obstinacy, or of promoting any private Purposes by a new Law; since an Expedient, by which time may be gained, and the avowed End of hastening this necessary Bill secured, is no sooner proposed on one Part, than received on the other.’

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The following short Debate occurred on the Question when the Bill should commence.

Mr. Campbell.

SIR,

Mr. Campbell.

‘ That the Laws may be observed by the Nation without daily Violence and perpetual Compulsion, that our Determinations may be received with Reverence, and the Regulations which we establish confirmed by the Concurrence of our Constituents, it is necessary that we endeavour to preserve their Esteem, and convince them that the public Prosperity may be safely trusted in our Hands.

‘ This Confidence is to be gained as well in high Stations, as in lower Conditions, by large Assemblies as by Individuals, only by a constant Practice of Justice, and frequent Exertion of superior Wisdom. When any Man finds his Friend oppressive and malicious, he naturally withdraws his Affections from him; when he observes him advancing absurd Opinions, and adhering to them with Obstinacy incapable of Conviction, he falls unavoidably into a Distrust of his Understanding, and no longer pays any Deference to his Advice, or considers his Conduct as worthy of Imitation.

‘ In the same manner, Sir, if the legislative Powers shall, in making Laws, discover that they regard any Motives before the Advantage of their Country; or that they pursue the public Good by Measures inadequate and ill-concerted, what can be expected from the People, but that they should set up their own Judgment in Opposition to that of their Governors, make themselves the Arbiters in all doubtful Questions, and obey or disregard the Laws at Discretion?

‘ If this Danger may arise from Laws injudiciously drawn up, it may surely be apprehended from a Compliance with this Proposal; a Proposal that the Operation of the Law should commence eleven Days before the Law itself is in Being.

‘ I have hitherto, Sir, regarded it as a Principle, equally true in Politics as in Philosophy, that nothing can act when it does not exist; and I did not suspect that a Position so evident would ever stand in need of a Proof or Illustration.

‘ We live indeed in an Age of Paradoxes, and have heard several Notions seriously defended, of which some would, not many Years ago, have condemned their Abettor to a Prison or a Madhouse, and would have been heard by the wisest of our Ancestors with Laughter or Detestation; but I did not expect that the most hardy Innovator would have shock’d my Understanding with a Position like this, or have asserted that a Law may operate before it is made, or before it is projected.

‘ That

' That where there is no Law there is no Transgression, is a Maxim not only established by universal Consent, but in itself evident and undeniable ; and it is, Sir, surely no less certain, that where there is no Transgression there can be no Punishment.

' If a Man may be punished, Sir, by a Law made after the Fact, how can any Man conclude himself secure from the Jail or the Gibbet ? A Man may easily find Means of being certain that he has offended no Law in being, but that will afford no great Satisfaction to a Mind naturally timorous ; since a Law hereafter to be made, may, if this Motion be supposed reasonable, take cognizance of his Actions ; and how he can know whether he has been equally scrupulous to observe the future Statutes of future Parliaments, he will find it very difficult to determine.'

Mr. Henry Pelham.

S I R,

' Notwithstanding the Absurdity which the Honourable Gentleman imagines himself to have discovered in this Proposal, and which he must be confessed to have placed in a very strong Light, I am of Opinion, that it may, with very little Consideration, be reconciled to Reason and to Justice, and that the Wit and Satire that have been so liberally employed, will appear to have been lost in the Air, without Use and without Injury.

Mr. Pelham.

' The Operation of the Law may very properly commence from the Day on which the Embargo was laid by his Majesty's Proclamation, which surely was not issued to no Purpose, and which ought not to be disobeyed without Punishment.'

Sir John Barnard.

S I R,

' I cannot but be somewhat surpris'd, that a Gentleman so long conversant in national Affairs, should not yet have heard or known the Difference between a Proclamation and a Penal Law.

Sir John Barnard.

' By a Proclamation his Majesty may prevent in some Cases what he cannot punish, he may hinder the Exportation of our Corn by ordering Ships to be stationed at the Entrance of our Harbours ; but if any should escape with prohibited Cargoes, he can inflict no Penalties upon them at their Return.

' To enforce this Prohibition by the Sanction of Punishments is the Intention of the present Bill, but a Proclamation can make nothing criminal, and it is unjust and absurd to punish an Action which was legal when it was done.

' The

• The Law ought, Sir, in my Opinion, not to commence till Time is allowed for dispersing it to the utmost Limits of this Island; for as it is unreasonable to punish without Law, it is not more equitable to punish by a Law, of which, they who have unhappily broken it could have no Intelligence.

A longer Day was agreed to.

*Abstract of the Bill to prevent the Exportation of Corn, &c. and of the Clauses rejected.*

“ Whereas the Exportation of any Sort of Grain (Rice excepted) Meal, Malt, Flour, Bread, Biscuit, Starch, Beef, Pork, or Bacon, out of Great Britain or Ireland, and the Colonies or Plantations in America, or the Dominions belonging to the Crown of Great Britain in Europe, may at this Time be greatly prejudicial to his Majesty's Subjects, [ (A) and the same, as the Law now stands, cannot be effectually restrained; and whereas a proper Power of restraining the same upon any Emergency is at present necessary. (A) ] Be it therefore enacted by the King's most excellent Majesty, by and with the Advice of, &c. [ (B) that from and after the Day of it shall be lawful for his Majesty, by Order of Council, to command or empower the Lord Lieutenant, or Lords Justices of Ireland, or the Governors of our Plantations, to issue forth Proclamations for prohibiting the Exportation of all or any Corn, Grain, &c. (except as after excepted) and be it farther enacted, that if any Person, &c. shall, during the Time aforesaid, export, or cause to be exported, contrary to such Proclamation, Corn, Grain, &c. the same, together with the Ship or Vessel, Tackle, &c. shall be forfeited, and the Person so offending shall

“ Provided that this Act do not extend to prohibit such Corn, Provisions, &c. put on board and exported in his Majesty's Ships or Privateers, necessary for their Complement, Voyage, and Expedition which they shall be going upon. This Act to continue in Force until and from thence till next Session of Parliament” B ]

“ That no Person before the 25th of December 1741, shall directly or indirectly export from Great Britain or Ireland, or other his Majesty's Dominions in Europe, or the British Plantations, or load on board any Ship or Vessel, in order for Exportation, any Sort of Corn or Grain (Rice excepted) Meal, Malt, Flour, Bread, Biscuit, Starch, Beef, Pork, or Bacon, whether the Produce or not of the respective Countries, under the Penalties and Forfeitures hereafter mentioned, that is, all Corn, &c. so put on board to be exported shall be forfeited, and the Offender shall forfeit 20 s. for every Bushel of Grain, and 1 s. for every Pound of Bread, Biscuit,

Biscuit, Starch, Beef, Pork, or Bacon, and also the Ship, Vessel, Boat, Guns and Tackle to be forfeited, one Moiety to the King, and the other to him who shall sue for the same; and all Persons convicted of aiding willingly therein, to be imprisoned for three Months without Bail.

“ 1. And be it further enacted by, &c. That the Officers of the Customs may seize the Corn, Meal, &c. not allowed to be exported, which they shall find put on board any Ship to be carried to the next Custom-house or King's Warehouse.

“ 2. Provided that this Act extend not to prohibit the Exportation or carrying out of such or so much of the said Commodities as is necessary for any Ship, &c. in their respective Voyages, for the Sustenance, &c. of the Commanders, Mariners, or Passengers, of such Vessels only; or for the victualing any Ships in his Majesty's Service, or his Forts or Garrisons.

“ 3. Provided that this Act extend not to prohibit the said Commodities to be carried Coastwise, giving Security, and having a Certificate (or Permit) to be returned in six Months.

“ 4. Provided that nothing herein contained extend to prohibit the exporting of Corn, &c. from the Plantations to Great Britain or Ireland, or from Ireland to Great Britain, or *vice versa*, on Security Bonds and returning Certificates.

“ 5. Provided this Act extend not to such Commodities exported from Great Britain or Ireland, or our Plantations, to Minorca, Gibraltar, or our Forts or Factories in Africa, or Colonies in America, such Place to be declared by the Exporter, and Bond given of treble Value to the Custom House or Naval Officer, that they shall not be sold or landed in any other Part; which, if not prosecuted in three Years, to be void. That such Collector or Naval Officer, when the same shall be landed, give Certificate to be returned to such Officer, within the Time after mentioned, as took the Security, Danger of the Sea excepted. Forger of a Certificate to forfeit 200 *l.* or any Officer making out a false Certificate to forfeit that Sum and lose Employment.

“ 6. Provided, that it shall not extend to hinder the East-India Company from sending Stores to their Factories on Security given.

“ 7. Provided, that it shall not extend to Wheat, Malt, or Barley, exported from Southampton only to Jersey or Guernsey, on Security, &c. so that it do not exceed five thousand Quarters from December the 1st, 1740, to December the 25th, 1741.

“ 8. Be

" 8. Be it enacted, that the Governor of Jamaica be empowered to intrust any Person of Reputation to export Provisions to the Bays of Honduras and Campechy, not exceeding 60 Barrels, 200 Weight each, in one Ship, on Bond (with one Security) of 500 *l.* that it be for the Sustainance of his Majesty's Subjects in the said Bays; and the Master and two of his Officers making Oath of such Delivery shall be a Discharge of the Bond.

" 9. Be it further enacted, that the Commissioners of the Customs shall give a full and true Account to both Houses at the Beginning of next Sessions, of all Grain, Meal, Malt, Flour, Bread, Biscuit, Starch, Beef, Pork and Bacon, exported by Virtue of the Liberties hereby granted for the Purpose.

" 10. Provided this Act do not extend to Malt declared for Exportation before the 6th of December 1740, nor Provisions cleared out in Great Britain, before December the 25th, 1740, or in Ireland before Jan. 10. 1740-1, or Plantations before March the 25th, 1741, but that such Vessels be permitted to proceed on their Voyages."

On a Motion for bringing in a Bill; for the better cleaning and paving the Streets of Westminster, and the Liberties thereof, the Lord Viscount Tyrconnel expressed himself in Substance as follows:

S I R,

Lord Tyrconnel.

" Tho' the Grievance which I am about to lay before the House, is not of the most formidable or dangerous kind, yet as it is such as grows every Day greater, and such as every Day endangers the Lives of Thousands, I hope it will not be thought useless or improper to propose it to the Consideration of this Assembly, to offer my Thoughts on the Methods by which it may be most easily removed, and to endeavour to incite others to the same Considerations.

" It is impossible, Sir, to come to this House, or to return from it, without Observations on the present Condition of the Streets of Westminster; Observations forced upon every Man, however inattentive, or however engrossed by Reflections of a different kind.

" The warmest Zeal for public Happiness, the most anxious Vigilance against general Dangers, must, I believe, sometimes give way to Objects immediate, tho' of less Importance, nor will the most public-spirited Members deny, that they have often been in the Streets alarmed with Obstructions, or shocked with Nuisances.

" The Filth, Sir, of some Parts of the Town, and the Inequality and Ruggedness of others, cannot but in the

Eyes of Foreigners disgrace our Nation; and incline them to imagine us a People, not only without Delicacy, but without Government, a Herd of Barbarians, or a Colony of Hottentots.

• The most disgusting Part of the Character given by Travellers, of the most Savage Nations, is their Neglect of Cleanliness, of which, perhaps, no Part of the World affords more Proofs, than the Streets of the British Capital; a City famous for Wealth, Commerce, and Plenty, and for every other kind of Civility and Politeness, but which abounds with such Heaps of Filth, as a Savage would look on with Amazement.

• If that be allowed which is generally believed, that Putrefaction and Stench are the Causes of pestilential Distempers; the Removal of this Grievance, may be pressed from Motives of far greater Weight than those of Delicacy and Pleasure, and I might solicit the timely Care of this Assembly, for the Preservation of innumerable Multitudes, and intreat those, who are watching against slight Misfortunes, to unite their Endeavours with mine, to avert the greatest and most dreadful of Calamities.

• Not to dwell, Sir, upon Dangers, which may perhaps be thought only imaginary, I hope it will be at least considered, how much the present Neglect of the Pavement is detrimental to every Carriage, whether of Trade or Pleasure, or Convenience; and that those who have allowed so much of their Attention to Petitions, relating to the Roads of the Kingdom, the Repair of some of which is almost every Session thought of Importance sufficient to produce Debates in this House, will not think the Streets of the Capital alone unworthy of their Regard.

• That the present Neglect of cleansing and paving the Streets, is such as ought not to be borne, that the Passenger is every where either surprized and endangered by unexpected Chasms, or offended and obstructed by Mountains of Filth, is well known to every one, that has passed a single Day in this great City; and that this Grievance is without Remedy, is a sufficient Proof, that no Magistrate has at present Power to remove it; for every Man's private Regard to his own Ease and Safety, would incite him to exert his Authority on this Occasion.

• I humbly propose therefore, that a Bill may be brought into the House, to enable his Majesty's Justices of Peace for the Liberties of Westminster, to inspect the public Ways of this City, and punish the Neglect of cleansing and paving them; or that a new Officer be appointed, and vested with full Authority for the same Purpose.

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Mr,

Mr. Sandys.

SIR,

Mr. Sandys.

• I believe the Grievance, so much complained of by the Right Honourable Member, is not difficult to be removed without a new Act of the Legislature, being, perhaps, more properly to be imputed to the Negligence of the Justices, than a Defect of their Authority; for they have already sufficient Power to regulate this Disorder: And I may be allowed to hope, Sir, that they do not want Leisure to observe it, for their Number is so great, that if we suppose them to be wholly engaged by the common Business of their Office, a Foreigner would have Occasion of reproaching us with Defects more important than want of Delicacy, and might justly censure us as a People corrupt, beyond the common Rate of human Wickedness, a Nation divided only into two Classes, Magistrates and Criminals.

• But they, in reality, abound so much among us, that most of them are only nominal Magistrates, vested with Authority, which they never exert, or exert to bad Purposes, and which it were well if they were obliged to employ in the real Service of their Country, by superintending the Pavours and the Scavengers.

• For this Reason it is unnecessary to erect a new Officer, as an Inspector of our Streets, since every Office that is not necessary is pernicious: Were Consequences of this Grievance such as they have been represented, I should perhaps willingly erect a new Office, though I should not be surprised to hear the wisest Man declare, rather for a Pestilence than an Increase of Officers.

• As I neither think the Grievance insupportable, nor the Methods proposed for removing it necessary or proper, I declare myself against the Motion.

Lord Gage.

SIR,

Lord Gage.

• As the Grievance cannot be denied to be real, and the Motion therefore may reasonably be imagined to have been made without any other Intention than of benefiting the Public by an useful Law, I cannot discover any sufficient Reason for a Rejection so peremptory and contemptuous.

That every Man is disgusted, and almost every Man daily endangered in our Streets, has not been denied, nor will any Man, I suppose, question what, if he has not yet experienced it, he may perhaps be fully convinced of, in his next Visit or Excursion.

• Those Evils, which every Man feels, though slight, are worthy of the Attention of the Legislature, and that Danger  
that

that threatens Multitudes, though distant, ought to be averted ; for a small Disorder, like a small Expence, when it extends to Multitudes, becomes a national Affair.

‘ But though this Motion may perhaps be liable to some Objections, there is certainly no such Absurdity to be found in it, as may justify us in rejecting it without Examination ; to reject a Motion when it is first offered, is a Proof of Prejudice, next to that of rejecting it unheard ; it is to determine a Question, before it is discussed or can be fully understood.’

Mr. Sandys.

S I R,

‘ I cannot but differ very widely in Opinion from the Right Honourable Member that spoke last, with regard to the Propriety of opposing a Motion, when it is first made ; a Practice, which I can by no Means think inconsistent with either Decency or Prudence, and which would perhaps be of Use to the Public, if it was more frequent. Mr. Sandys.

‘ When any Motion is made, it is subjected to the Consideration of this House, and every Member is at full Liberty to examine and discuss it. If it appears to deserve farther Attention, it may be admitted ; but if the Subject be either improper or unseasonable, or the Measures proposed injudicious or dangerous, it is then to be rejected ; and if it is at last to be rejected, it is apparent, that no Time ought to be thrown away upon it.

‘ The Hours, and Days, and Weeks, that have been unprofitably spent upon Bills, which after all our Endeavours could not be passed ; the Delays of real Benefits to the Public, which have been produced by long Pursuits of shadowy Advantages, have inclined me to a more expeditious Method of proceeding, and determined me speedily to reject what I cannot hope to amend.’

The Question being put, it passed in the Negative, 142 against 109

Two distinct Accounts having been made public of the important Debates upon the Mutiny Act, and the Seamen’s Bill, and it being difficult to decide which is the most authentic, we have thought it our Duty to make the Reader his own Judge by inserting both.

The first on the Mutiny Bill is to be found Page 123 : And that on the Seaman’s Bill, Page 48, 199, 236, 463.

And the last are as follow. In a Committee for the Consideration of the Bill for the Punishment of Mutiny and Desertion, and for the better Payment of the Army and their Quarters, &c. Sir William Yonge, desired that the 20th

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and

and 26th Clauses of the late Act might be read, which were read as follows :

## XX.

“ It is hereby enacted, that the Officers and Soldiers, so quartered and billeted, shall be received by the Owners of the Inns, Livery Stables, Ale-houses, Victualling-Houses, and other Houses, in which they are allowed to be quartered and billeted by this Act; and shall pay such reasonable Prices as shall be appointed from time to time by the Justices of the Peace in their General and Quarter Sessions of each County, City, or Division, within their respective Jurisdictions: And the Justices of the Peace aforesaid are hereby empowered and required to set and appoint, in their General and Quarter Sessions aforesaid, such reasonable Rates for all necessary Provisions for such Officers and Soldiers, for one or more Nights, in the several Cities, Towns, Villages, and other Places, which they shall come to in their March, or which shall be appointed for their Residence and Quarters.”

## XXVI.

“ That the Quarters both of Officers and Soldiers in Great Britain may be duly paid and satisfied, be it enacted, that every Officer, to whom it belongs to receive the Pay or Subsistence-Money, either for a whole Regiment, or particular Troops and Companies, shall immediately, upon each Receipt of every particular Sum, on Account of Pay or Subsistence, give public Notice thereof to all Persons keeping Inns, or other Places where Officers and Soldiers are quartered by Virtue of this Act: Also appoint them and others to repair to their Quarters within four Days at the farthest after the Receipt of the same, to declare the Accounts or Debts (if any shall be) between them, and the Officers and Soldiers quartered in their respective Houses; which Accounts the said Officer or Officers are hereby required immediately to discharge, before any Part of the said Pay or Subsistence be distributed to the Officers or Soldiers: Provided the said Accounts exceed not for a Commission Officer of Horse, under a Captain, for one Day's Diet and Small Beer, Two Shillings; for one Commission Officer of Dragoons under a Captain one Shilling, for one Commission Officer of Foot under a Captain, one Shilling; and for Hay and Straw, for one Horse, Six Pence; for one Dragoon or Light Horseman's Diet and Small Beer, each Day Six Pence, and Hay and Straw for his Horse, Six Pence; and also not to exceed Four Pence a Day, for one Foot Soldier's Diet and Small Beer.”

He

He then spoke to the following Effect.

S I R,

• Whether there is any real Difficulty in the Clauses which you have now heard read, or whether there are such Passages as may be easily understood by those who have no Interest to mistake them, and which are only clouded by an artificial Obscurity, whether they are in themselves capable of different Meanings, or whether Avarice or Poverty have produced unreasonable Interpretations, and found Ambiguities only because they were determined not to be disappointed in their Search; whether this Law is disobeyed, because it is misunderstood, or only misunderstood by those who had resolved to disobey it, the Committee must determine.

Sir William  
Yonge.

• It has been for many Years understood that Innholders, and Keepers of Public Houses were obliged by this Law to supply Soldiers quartered upon them with Diet and Small Beer, and Hay and Straw for their Horses, at such Rates as are mentioned in the Act; nor can I discover that these Clauses admit of any other Interpretation, or that any other could be intended by the Senate by which it was enacted.

• The Pay of the Soldiers, Sir, was well known to those who gave their Consent to this Law, it was intended by them that the Soldiers should be supplied with Necessaries, and it could not be meant that they should pay for them more than they received; they therefore established the Rate at which they were to be furnished, and fixed the highest Rate which the Wages of a Soldier allow him to pay.

• This Interpretation was, as I suppose, from its apparent Consonance to Reason, universally allowed, till the Inhabitants of Ledbury, whither Soldiers had been sent to suppress a Riot and enforce the Laws, found their Apprehensions so sharpen'd by their Malice, that they discovered in the Act an Ambiguity, which had, till that Time, escaped the Penetration of the most Sagacious; and, upon Comparison of one Circumstance with another, found themselves under no Obligation to give any Assistance to the Soldiers.

• They therefore, Sir, not only refused to afford them Victuals at the accustomed Rates, but proceeding from one Latitude of Interpretation to another, at length denied them not only the Privilege of Diet, but the Use of Kitchen Utensils, to dress the Provisions, which they bought for themselves, and at last denied their Claim to the Fire itself.

• The Soldiers, exasperated not only at the Breach of their established and uncontested Privileges, but at the Privation of the Necessaries of Life, began to think of Methods more speedy and efficacious than those of Arguments and Remonstrances,

Remonstrances, and to form Resolutions of procuring by Force what, in their Opinions, was only by Force withheld from them.

‘ What might have been the Event of this Controversy, to what Extremities a Contest about Things so necessary might have been carried, how wide the Contest might have spread, or how long it might have lasted, we may imagine, but cannot determine; had not a speedy Decision been procured, its Consequences might have been fatal to Multitudes, and a great Part of the Nation been thrown into Confusion.

‘ Having received an Account of the Affair from the Officers who commanded at that Place, I consulted the Attorney General what was the Design of the Law, and the Extent of the Obligation enforced by it, and was answered by him, that the Sums which were to be paid for the Diet of the Men, and the Hay and Straw for the Horses being specified, it must necessarily be intended, by the Legislature, that no higher Rates should be demanded;—that the Power granted to the Justices of Peace was wholly in favour of the Soldier, and that they might lessen the Payment at Discretion in Places of uncommon Cheapness, or Years of extraordinary Plenty, but could not increase it on any Occasion.

‘ Another Dispute, Sir, of the like Nature was occasioned by the late Scarcity at Wakefield, where the Justices, upon the Application of the Inn-keepers, made use of the Authority which they supposed, to have been reposed in them by the Act, and raised the Price of Hay and Straw to Eightpence, which the Soldiers were not able to pay, without suffering for Want of Victuals.

‘ On this Occasion likewise I was apply’d to, and upon consulting the present Attorney-General, received the same Answer as before; and transmitting his Opinion to the Place from whence I received the Complaint, it had so much Regard paid to it, that the additional Demand was thence-forward remitted.

‘ The Letters which those two learned Lawyers sent to me on this Subject I have now in my Hand; and hope their Opinion will be thought sufficient Authority for the Interpretation of an Act of Parliament.

‘ Nor is their Authority, Sir, however great, so strong a Proof of the Justness of this Interpretation, as the Reasonableness, or rather Necessity of admitting it. The only Argument that can be produced against it, is the Hardship imposed by it on the Innholder, who, as it is objected, must be obliged by the Law, so understood, to furnish the Soldiers with Provisions for a Price at which he cannot afford them.

‘ But

‘ But let it be considered, how much more easily the Landlord can furnish them at this Price, than they can provide for themselves, and the Difficulty will immediately vanish. If Soldiers are necessary, they must necessarily be supported, and it appears, upon Reflection, that their Pay will not support them by any other Method.

‘ If they are obliged to buy their Victuals, they must likewise buy Fire and Implements to dress them; and what is still a greater Hardship, they must sell them, and buy new, at every Change of their Quarters: If this is impossible, it will be allowed not to be the Meaning of the House, upon whose Wisdom it would be a Censure too severe to suppose them capable of enacting Impossibilities.

But to the Inn-holder, Sir, whose Utensils are always in Use, and whose Fire is always burning, the Diet of a Soldier costs only the original Price paid to the Butcher, and in Years of common Plenty may be afforded without Loss, at the Price mentioned in the Act. It cannot, indeed, be denied that, at present, every Soldier is a Burthen to the Family on which he is quartered, in many Parts of the Kingdom; but it may be reasonably hoped, that the present Scarcity will quickly cease, and that Provisions will fall back to their former Value; and even, amidst all the Complaints, with which the Severity and Irregularity of the late Seasons have filled the Nation, there are many Places where Soldiers may be maintained at the stated Rates, with very little Hardship to their Landlords.

‘ However, Sir, as this Interpretation of the Act, tho’ thus supported both by Authority and Reason, has been disputed and denied, as some Lawyers may be of a different Opinion from those whom I have consulted, and as it is not likely that the Practice thus interrupted will now be complied with as a Prescription, I think it necessary to propose that the Price of a Soldier’s Diet be more explicitly ascertained, that no room may remain for future Controversies.’

Mr. Sandys.

S I R,

‘ I am very far from thinking the Authority of these Mr. Sandys. learned Gentlemen, whose Letters are produced, incontrovertible Proof of the Justness of an Interpretation of an Act of the House, where that Interpretation is not in itself warranted by Reason, nor consistent with the Preservation, or Enjoyment of Property. Much less shall I agree to support their Interpretation by a new Law, or establish, by an Act of the Legislature, a kind of Oppression, for which, however  
tacitly

tacitly submitted to, nothing could be pleaded hitherto but Custom.

‘ The Burthen, Sir, of a Standing-Army, is already too heavy to be much longer supported, nor ought we to add Weight to it by new Impositions ; it surely much better becomes the Representatives of the Nation to attend to the Complaints of their Constituents, and where they are found to arise from real Grievances, to contrive some Expedient for alleviating their Calamities.

‘ A heavy and dreadful Calamity, Sir, lies now in a particular manner upon the People; the Calamity of Famine, one of the severest Scourges of Providence, has filled the whole Land with Misery and Lamentation ; and surely nothing can be more inhuman than to chuse out this Season of Horror, for new Encroachments on their Privileges, and new Invasions of the Rights of Nature, the Dominion of their own Houses, and the Regulation of their own Tables.

‘ The Honourable Gentleman, Sir, has mentioned Places where Provisions, as he says, are still to be bought at easy Rates. For my Part, I am fixed in no such happy Corner of the Kingdom ; I see nothing but Scarcity, and hear nothing but Complaints, and shall therefore be very far from admitting now such Methods of supporting the Army, as were thought too burthensome in Times of Plenty ; nor will combine in laying a new Tax upon any Class of my Countrymen, when they are sinking under an enormous Load of Imposts, and in want of the Necessaries of Life.

Sir William Yonge.

S I R,

Sir William  
Yonge.

‘ Nothing is more easy than Outcry and Exaggeration, nor any thing less useful for the Discovery of Truth, or the Establishment of Right. The most necessary Measures may often admit of very florid Exclamations against them, and may furnish very fruitful Topics of Inveective.

‘ When our Liberties, Sir, are endangered, or our Country invaded, it may be very easy, when it is proposed that we should have Recourse to our Swords for Security, to bewail in pathetic Language the Miseries of War, to describe the Desolation of Cities, the Waste of Kingdoms, the Insolence of Victory, and the Cruelty of Power inflamed by Hostilities. Yet to what will those Representations contribute, but to make that difficult which yet cannot be avoided, and embarrass Measures which must however be pursued.

‘ Such, Sir, appear to me to be the Objection made to the Method now proposed of providing Necessaries for the Soldiers, Methods not eligible for their own sake, but which ought

ought not to be too loudly condemned, till some better can be substituted. For why should the Public be alarmed with groundless Apprehensions, or why should we make those Laws which our Affairs oblige us to enact, less agreeable to the People by partial Representations?

‘ In the Discussion of this Question, Sir, it is to be considered whether Soldiers are to be supported, and whether it will be more proper to maintain them by the Method of ascertaining the Rates at which they are to be supplied, or by increasing their Pay.

‘ One of these two ways it is necessary to take; the Provisions are already fixed at as high a Price as their Pay will allow; if, therefore, they are expected to pay more, their Wages must be increased.

‘ For my Part I shall comply with either Method, tho’ I cannot but think it my Duty to declare, that, in my Opinion, it is safer to fix the Price of Provisions, which must sink in their Value, than to raise the Pay of the Army, which may never afterwards be reduced.’

Mr. Gybbon.

S I R,

‘ I agree, Sir, with the Honourable Gentleman, that if Mr. Gybbon, Soldiers are necessary, we must make Provisions for their Support. This is indisputably certain; but it is no less certain, that where Soldiers are necessary, Restraints and Regulations are necessary likewise, to preserve those from being insulted and plundered by them, who maintain them for the sake of Protection.

‘ The Usefulness, Sir, of this Caution seems not to be known, or not regarded by the Gentlemen whose Proposal gave Occasion to this Debate; for by enacting Laws in general Terms, as he seems to advise, we should leave the unhappy Inn-keeper wholly at the Mercy of his Guests, who might plunder and insult him under the Protection of the Legislature, might riot as in a conquered Country, and say—To this Treatment you are subjected by the Determination of the Parliament.

‘ The unhappy Man, Sir, could have no Prospect either of Quiet or Safety, but by gratifying all the Expectations of returning Civilities for Insolence, and receiving their Commands with the same Submission that is paid in capitulating Towns to the new Garrison.

‘ If it be necessary to ascertain the Price, is it not necessary at the same time to ascertain the Species and Quantity of Provisions to be allowed for it? Is a Soldier to fatten on Delicacies, and to revel in Superfluities, for 4d. a Day? Ought

not some Limits to be set to his Expectations, and some Restraints prescribed to his Appetite? Is he to change his Fare with all the Capriciousness of Luxury, and relieve, by Variety, the Squeamishness of Excess?

\* Such Demands as these, Sir, may be thought ludicrous and trifling, by those who do not reflect on the Insolence of Slaves in Authority, who do not consider that the License of a Military Life is the chief Inducement that brings Volunteers into the Army; an Inducement which would, indeed, make all Impresses superfluous, were this Proposal to be adopted. For how readily would all the Lazy and Voluptuous engage in a State of Life which would qualify them to live upon the Labour of others, and to be profuse without Expence?

\* Our Army may by this Method be increased; but the Number of those by whom they are to be maintained, must quickly diminish. For by Exaction and Oppression the poorer Inn-keepers must quickly become Bankrupts, and the Soldiers that lose their Quarters, must be added to the Dividend allotted to the more wealthy, who by this additional Burden will soon be reduced to the same State, and then our Army must subsist upon their Pay, because they will no longer have it in their Power to increase it by Plunder.

\* It will then be inevitably necessary to divide the Army from the rest of the Community, and to build Barracks for their Reception; an Expedient, which, tho' it may afford present Ease to the Nation, cannot be put in Practice without Danger to our Liberties.

\* The Reason, for which so many Nations have been enslaved by Standing-Armies, is nothing more than the Difference of a Soldier's Condition from that of other Men. Soldiers are governed by particular Laws, and subject to particular Authority; Authority, which, in the manner of its Operation, has scarcely any Resemblance of the Civil Power. Thus they soon learn to think themselves exempt from all other Laws; of which, they either do not discover the Use, and therefore easily consent to abolish them; or envy the Happiness of those who are protected by them, and so prevail upon themselves to destroy those Privileges which have no other Effect, with regard to them, but to aggravate their own Dependence.

\* These, Sir, are the natural Consequences of a military Subjection; and if these Consequences are not always speedily produced by it, they must be retarded by that Tenderness which constant Intercourse with the rest of the Nation produces, by the Exchange of reciprocal Acts of Kindness, and by the frequent Inculcation of the Wickedness of contributing

tributing to the Propagation of Slavery, and the Subversion of the Rights of Nature; Inculcations which cannot be avoided by Men who live in constant Fellowship with their Countrymen.

• But Soldiers shut up in a Barrack, excluded from all Conversation with such as are wiser and honefter than themselves, and taught that nothing is a Virtue but implicit Obedience to the Commands of their Officers, will soon become Foreigners in their own Country, and march against the Defenders of their Constitution, with the same Aclarity as against an Army of Invaders ravaging the Coasts; they will lose all Sense of social Duty and of social Happiness, and think nothing illustrious but to enslave and destroy.

• So fatal, Sir will be the Effects of an Establishment of Barracks, or petty Garrisons in this Kingdom; and therefore, as Barracks must be built when Inn-keepers are ruined, and our Concurrence with this Proposal must produce their Ruin, I hope it will not be necessary to prove by any other Argument, that the Motion ought to be rejected.

Mr. Henry Pelham.

S I R,

• Tho' I am not inclined by loud Exaggerations and affected Expressions of Tenderness to depress the Courage, or inflame the Suspicions of the People, to teach them to complain of Miseries which they do not feel, or ward against ill Designs which were never formed, yet no Man is more really solicitous for their Happiness, or more desirous of removing every real Cause of Fear and Occasion of Hardships.

Mr. Henry Pelham.

• This Affection to the People, an Affection steady, regular and unshaken, has always prompted me to prefer their real to their seeming Interest, and rather to consult the Security of their Privileges than the Gratification of their Passions; it has hitherto determined me to vote for such a Body of Troops as may defend us against sudden Inroads and wanton Insults, and now incites me to propose that some efficacious Method may be struck out for their Support, without exasperating either the Soldiers or their Landlords by perpetual Wrangles, or adding to the Burden of a military Establishment the Necessity of Contentions in Courts of Law.

• I know not with what View those have spoken by whom the Proposal first made has been opposed; they have indeed proposed Objections, some of which are such as may be easily removed, and others such as arise from the Nature of Things, and ought not therefore to be mentioned, because they have no other Tendency than to enflame the Minds of those that hear them against an Army, at a Time when it is

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allowed

allowed to be necessary, and prove only what was never denied, that no human Measures are absolutely perfect, and that it is often impossible to avoid a greater Evil, but by suffering a less.

• The Question before us, Sir, is in its own Nature so simple, so little connected with Circumstances that may distract our Attention, or induce different Men to different Considerations, that, when I reflect upon it, I cannot easily conceive by what Art it can be made the Subject of long Harangues, or how the most fruitful Imagination can expatiate upon it.

• It is already admitted that an Army is necessary; the Pay of that Army is already established; the accidental Scarcity of Forage and Victuals is such, that the Pay is not sufficient to maintain them; how then must the Deficiencies be supplied? It has been proposed either to fix the Price of Provisions with respect to them, or to advance their Wages in some Proportion to the Price of Provisions. Both these Methods seem to meet with Disapprobation, and yet the Army is to be supported.

• Those who reason thus, do surely not expect to be answered, or at least expect from a Reply no other Satisfaction than that of seeing the Time of the Session wasted, and the Administration harrassed with trivial Delays, for what can be urged with any Hope of Success to him who will openly deny contradictory Propositions, who will neither move nor stand still, who will neither disband an Army nor support it.

• Whether these Gentlemen conceive that an Army may subsist without Victuals till the Time of Scarcity is over, or whether they have raised those Forces only to starve them, I am not sagacious enough to conjecture; but shall venture to observe, that if they have such a Confidence in the Moderation and Regularity of the Soldiers, as to imagine that they will starve with Weapons in their Hands, that they will live within the Sight of full Tables, and languish with Hunger, and perish for want of Necessaries, rather than diminish the Superfluities of others, they ought for ever to cease their Outcries about the Licentiousness, Insolence, and Danger of a Standing-Army.

• But, not to sink into Levity unworthy of this Assembly, may I be permitted to hint that these Arts of protracting our Debates, are by no Means consistent with the Reasons for which we are assembled, and that it is a much better Proof, both of Ability and Integrity, to remove Objections, than to raise them, and to facilitate, than to retard, the Business of the Public?

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• The Proposal made at first was only to elucidate a Law which had been regularly observed for fifty Years, and to remove such Ambiguities as tended only to embarrass the Innholders, not to relieve them.

• To this many Objections have been made, and much Declamation has been employed to display the Hardships of maintaining Soldiers, but no better Method has been yet discovered, nor do I expect that any will be started, not attended with greater Difficulties.

• In all political Questions, Questions too extensive to be fully comprehended by speculative Reason, Experience is the Guide which a wise Man will follow with the least Distrust, and it is no trivial Recommendation of the present Method, that it has been so long pursued without any formidable Inconvenience or loud Complaints.

• Hardships, even when real, are alleviated by long Custom; we bear any present Uneasiness with less Regret, as we less remember the Time in which we were more happy; at least by long Acquaintance with any Grievance we gain this Advantage, that we know it in its whole Extent, that it cannot be aggravated by our Imagination, and that there is no room for suspecting that any Misery is yet behind more heavy than that which we have already borne.

• Such is the Present State of the Practice now recommended to this Assembly, a Practice to which the Inn keepers have long submitted, and found it at least tolerable; to which they knew themselves exposed when they took out a License for the Exercise of that Profession, and which they consider as a Tax upon them, to be balanced against the Advantages which they expect from their Employment.

• This Tax cannot be denied at present to be burthensome in a very uncommon Degree; but this Weight has not been of long Continuance, and it may be reasonably hoped that it will now be made every Day lighter. It is indeed true, that no unnecessary Impositions ought to be laid upon the Nation even for a Day, and if any Gentleman can propose a Method by which this may be taken off or alleviated, I shall readily comply with his Proposal, and concur in the Establishment of new Regulations.

• With regard to Barracks I cannot deny that they are justly Names of Terror to a free Nation, that they tend to make an Army seem part of our Constitution, and may contribute to infuse into the Soldiers a Disregard of their Fellow Subjects, and an Indifference about the Liberties of their Country; but I cannot discover any Connection between a Provision for the Support of the Soldiers in Public Houses, in a State of constant Familiarity with their Countrymen,  
and

and the Erection of Barracks, by which they will be, perhaps, for ever, separated from them, nor can discover any Thing in the Method of supporting them now recommended that does not tend rather to the Promotion of mutual good Offices and the Confirmation of Friendship and Benevolence.

Mr. Campbell.

S I R,

Mr. Campbell.

‘ Whence the Impropriety of raising Objections to any Measures that are proposed is imagined to arise I am unable to discover, having hitherto admitted as an uncontrovertible Opinion, that it is the Duty of every Member of this House to deliver, without Reserve, his Sentiments upon any Question which is brought before him, and to approve or censure according to his Conviction.

‘ If it be his Duty, Sir, to condemn what he thinks dangerous or inconvenient, it seems by no means contrary to his Duty, to shew the Reason of his Censure, or to lay before the House those Objections which he cannot surmount by his own Reflection. It certainly is not necessary to admit implicitly all that is asserted; and to deny or disapprove without Reason, can be no Proof of Duty, or of Wisdom; and how shall it be known, that he who produces no Objections, acts from any other Motives, than private Malevolence, Discontent, or Caprice?

‘ Nor is it, Sir, to be imputed as a just Reason for Censure to those who have opposed the Motion, that no other Measures have been offered them to the Consideration of the Committee. It is necessary to demolish a useless or shattered Edifice, before a firm and habitable Building can be erected in its Place; the first Step to the Amendment of a Law is to shew its Defects; for why should any Alteration be made where no Inconveniency is discovered?

‘ To the chief Objection that was offered, no Answer has yet been made, nor has the House been informed how the Inn-keeper shall be able to discover when he has paid the Tax which this Law lays upon him. This is indeed a Tax of a very particular Kind, a Tax without Limits, and to be levied at the Discretion of him for whose Benefit it is paid. Soldiers, quartered upon these Terms, are more properly raising Contributions in an Enemy’s Country, than receiving Wages in their own.

‘ Is it intended by this Motion, that the Inn-keepers shall judge what ought to be allowed the Soldier for his Money? I do not see then that any Alteration is proposed in the present Condition of our Army, for who has ever refused to sell them Food for their Money at the common Price, or what

what Necessity is there for a Law to enforce a Practice equally to the Advantage of all Parties? If it be proposed that the Soldier shall judge for himself, that he shall set what Value he shall think fit on his own Money, and that he shall be at once the Interpreter and Executioner of this new Law, the Condition of the Inn-keeper will then be such as no Slave in the Mines of America can envy, and such as he will gladly quit for better Treatment under the most arbitrary and oppressive Government.

• Nor will the Insolence of the Soldier, thus invested with unlimited Authority, thus entitled to implicit Obedience, and exalted above the rest of Mankind, by seeing his Claim only bounded by his own Moderation, be confined to his unhappy Landlord. Every Guest will become subject to his Intrusion, and the Passenger must be content to wait his Dinner, whenever the Lord of the Inn shall like it better than his own.

• That these Apprehensions, Sir, are not groundless, may be proved from the Conduct of those Men, even when the Law was not so favourable to their Designs; some of them have already claimed the sole Dominion of the Houses in which they were quartered, and insulted Persons of very high Rank, and whom our antient Laws had intended to set above the Insults of a turbulent Soldier. They have seen the Provisions which they had ordered, taken away by Force, partly, perhaps, to please the Appetite of the Invader, and partly to gratify his Insolence, and give him an Opportunity of boasting among his Comrades, how successfully he blustered.

• If it be necessary, Sir, to insert a new Clause in the Act to prevent Law-suits, which, however advantageous they may sometimes be to me, I shall always be ready to obviate, it is surely proper to limit the Claim of one Party as well as that of the other, for how else is the Ambiguity taken away? The Difficulty may be indeed transferred, but is by no means removed, and the Inn-keeper must wholly repose himself upon the Lenity and Justice of the Soldier, or apply to the Courts of Law for the Interpretation of the Act?

• The Question between us, is said to be so free from Perplexity, that it can scarcely give Occasion for Harangues or Disputations, and indeed it cannot but be allowed, that the Controversy may soon be brought to a single Point, and I think nothing more is necessary than to enquire, if Inn-holders shall be obliged to provide Victuals for Soldiers at a stated Price, what, and how much the Soldier shall demand.

• The Power of raising Money at Pleasure, has been hitherto denied to our Kings, and surely we ought not to place that Confidence in the lowest, that has been refused to the most

most exalted of Mankind, or invest our Soldiers with Power, which neither the most warlike of our Monarchs could constrain us, nor the most popular allure us to grant.

• The Power now proposed to be granted, is nothing less than the Power of levying Money, or what is exactly equivalent, the Power of raising of Money in their own Hands, to any imaginary Value. • A Soldier may, if this Motion be complied with, demand for a Penny, what another Man must purchase at forty times that Price. While this is the State of our Property, it is surely not very necessary to raise Armies for the Defence of it; for why should we preserve it from one Enemy only to throw it into the Hands of another, equally rapacious, equally merciless, and only distinguished from foreign Invaders, by this Circumstance, that he received from our own Hands the Authority by which he plunders us.

• Having thus evinced the Necessity of determining the Soldiers Privileges, and the Inn-keepers Rights, I think it necessary to recommend to this House an uncommon Degree of Attention to the Regulation of our military Establishment, which is become not only burdensome to our Fellow-Subjects by the present Famine, but by the Increase of our Forces; an Increase which the Nation will not behold without Impatience, unless they be enabled to discern for what End they have been raised.

• The People of this Nation are, for very just Reasons, displeased, even with the Appearance of a Standing-Army, and surely it is not prudent to exasperate them, by augmenting the Troops in a Year of Famine, and giving them at the same Time new Powers of Extortion and Oppression.

Mr. Winnington.

S I R,

Mr. Winnington.

• I have heard nothing in this Debate, but Doubts and Objections, which afford no real Information, nor tend to the Alleviation of those Grievances which are so loudly lamented.

• It is not to point out Inconveniencies, or to give striking Representations of the Hardships to which the People are exposed; for unless some better Expedient can be proposed, or some Method discovered, by which we may receive the Benefits, without suffering the Disadvantages of the present Practice, how does it appear that these Hardships, however severe, are not inseparable from our present Condition, and such as can only be removed, by exposing ourselves to more formidable Evils?

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As no Remedy, Sir, has been proposed by those who appear dissatisfied with the present Custom, it is reasonable to imagine, that none will be easily discovered; and therefore I cannot but think it reasonable that the Motion should be complied with. By it no new Imposition is intended, nor any thing more than the Establishment of a Practice which has continued for more than fifty Years, and never, except on two Occasions, been denied to be legal. It is only proposed that the Parliament should confirm that Interpretation of the Act which has been almost universally received, that they should do what can produce no Disturbance, because it will make no Alterations, but may prevent them; because it may prevent any Attempts of Innovation, or Diversity of Opinions.

Sir John Barnard.

S I R,

Whether the Interpretation of the Act which is now contended for, has been universally admitted, it is impossible to know; but it is at least certain, that the Practice which is founded upon it, has in many Places never been followed, nor indeed can it be made general without great Impropriety.

Sir John Barnard.

Many of those, Sir, who are stiled Keepers of Public Houses, and on whom Soldiers are quartered under that Denomination, have no Conveniency of furnishing Provisions, because they never sell them: Such are many of the Keepers of Livery-Stables, among whom it is the common Method to pay Soldiers a small weekly Allowance, instead of lodging them in their Houses; a Lodging being all which they conceive themselves obliged to provide, and all that the Soldiers have hitherto required; nor can we make any Alteration in this Method, without introducing the Licence and Insolence of Soldiers into private Houses; into Houses hitherto unacquainted with any degree of Riot, Incivility or Uproar.

The Reason for which Public-Houses are assigned for the Quarters of Soldiers, is partly the greater Conveniency of accommodating them in Families that subsist by the Entertainment of Strangers, and partly the Nature of their Profession, which, by exposing them to frequent Encounters with the Rude and the Debauched, enables them either to bear or repress the Insolence of a Soldier.

But with regard, Sir, to the Persons whom I have mentioned, neither of these Reasons have any Place; they have not, from their daily Employment, any Opportunities of furnishing Soldiers with Beds or Victuals, nor by their manner of Life are adapted to support Intrusion, or strug-

gle with Perverseness. Nor can I discover why any Man should force Soldiers into their Houses, who would not willingly admit them into his own.'

Mr. Cocks.

S I R,

Ma Cocks.

' The Practice mentioned by the Honourable Gentleman, I know to be generally followed by all those that keep Ale-houses in the Suburbs of this Metropolis, who pay the Soldiers billeted on them, a Composition for their Lodging, nor ever see them but when they come to receive it; so far are they from imagining that they can claim their whole Subsistence at any stated Price.

' It is apparent, therefore, that by admitting this Motion, we should not confirm a Law already received, but establish a new Regulation unknown to the People; that we should lay a Tax upon the Nation, and send our Soldiers to collect it.'

General Wade.

S I R,

General Wade

' I have been long conversant with military Affairs, and therefore may perhaps be able to give a more exact Account, from my own Knowledge, of the Antiquity and Extent of this Practice, than other Gentlemen have had, from their way of Life, an Opportunity of obtaining.

' It was, Sir, in the Reign of King William, the constant Method by which the Army was supported; as may be easily imagined by those who reflect, that it was common for the Soldiers to remain for eight or ten Months unpaid, and that they had therefore no Possibility of providing for themselves the Necessaries of Life. Their Pay never was received in those Times by themselves, but issued in Exchequer Bills for large Sums, which the Inn-keepers procured to be exchanged and divided among themselves, in Proportion to their Debts.

' Such was the Practice, Sir, in that Reign, which has been generally followed to this Time, and the Rates then fixed have not since been changed; and as no Inconveniency has arisen from this Method, I can discover no Reason against confirming and continuing it.'

Mr. Pulteney.

S I R,

Mr. Pulteney.

' Those that have spoken in Defence of the Motion, have accused their Opponents, with great Confidence, of declaiming without Arguments, and of wasting the Time of the Session, in a useless Repetition of Objections.

• I do not indeed wonder, that the Objections which have been raised should have given some Disgust; for who can be pleased with hearing his Opponent produce Arguments which he cannot answer? But surely the Repetitions may be excused: For an Objection is to be urged in every Debate till it is answer'd, or is discovered to be unanswerable.

• But what, Sir, have those urged in Defence of their own Opinions, who so freely animadvert upon the Reasonings of others? What Proofs, Sir, have they given of the Superiority of their own Abilities, of the Depth of their Researches, or the Acuteness of their Penetration?

They have not produced one Argument in Favour of their Motion, but that it is founded on Custom; they have not discover'd, however wise and sagacious, that it is always necessary to enquire whether a Custom be good or bad; for, surely, without such Enquiry no Custom ought to be confirmed.

• The Motion which they would support, is indeed useless in either Case; for a good Custom will continue of itself, and one that is bad ought not to be continued. It is the Business of the Legislature, to reform Abuses, and eradicate Corruptions; not to give them new Strength by the Sanction of a Law.

• It has been urged, Sir, that the Law in reality exists already; that the Act has been interpreted in this Sense, by the Attorney General; and that his Interpretation is generally received. This is then the State of the Question; If the Practice, founded upon this Sense of the Act, generally prevails, there is no Need of a new Clause to enforce what is already complied with: If it does not prevail, all that has been urged in Defence of the Motion falls to the Ground.

• I do not doubt, Sir, that this Custom has been received without many Exceptions, and therefore think it ought still to remain a Custom, rather than be changed into a Law, because it will be complied with as a Custom, where there are no Obstacles to the Observation of it; and it ought not to be enforced by Law, where it is inconvenient and oppressive.

• While the Soldier, Sir, is moderate in his Demands, and peaceable and modest in his Behaviour, the Innkeeper will cheerfully furnish him even more than he can afford at the stated Price; and certainly Rudeness, Insolence, and unreasonable Expectations, may justly be punished by the Forfeiture of some Conveniencies. Thus, Sir, the Inn-keeper will preserve some Degree of Authority in his own House; a Place where the Laws of Nature give every Man Dominion, and the Soldier will continue a regular and inoffensive Member of civil Society.

‘ The Absurdity of leaving the Soldier at large in his Demands, and limiting the Price which the Inn-keeper is to require, has been already exposed beyond the Possibility of Reply ; nor indeed has the least Attempt been made to invalidate this Objection ; for it has been passed in Silence by those who have most zealously espoused the Motion.

‘ The Account given by the honourable Gentleman of the Reason for which this Regulation was first introduced in the Reign of King William, is undoubtedly just ; but it proves, Sir, that there is no Necessity of continuing it ; for the Soldiers are now constantly paid, and therefore need not that Assistance from the Inn-keeper, which was absolutely requisite when they were sometimes six Months without Money.

‘ It has been urged, Sir, with great Importunity and Vehemence, that some Expedient should be proposed in the Place of this which so many Gentlemen who have spoken on this Occasion seem inclined to reject, and which indeed cannot be mentioned without Contempt or Abhorrence. That the Soldiers should know as well as their Landlord their own Rights, is undoubtedly just, as well as that they should have some certain Means of procuring the Necessaries of Life ; it may therefore be proper to enact, that the Inn-keeper shall either furnish them with Diet at the establish’d Rates, or permit them to dress the Victuals which they shall buy for themselves, with his Fire and Utensils, and allow them Candles, Salt, Vinegar, and Pepper. By this Method the Soldiers can never be much injur’d by the Incivility of their Landlord, nor can the Inn-keeper be subjected to arbitrary Demands. The Soldier will still gain, by Decency and Humanity, greater Conveniencies than he can procure for himself by his Pay alone, and all Opportunities of Oppression on either Side will in a great Measure be taken away.

‘ I cannot but express my Hopes that this Method will be generally approved. Those that have opposed the Establishment of an Army will be pleased to see it made less grievous to the People ; and those that have declared in its Favour, ought surely to adopt without Opposition, any Measures, by the Pursuit of which it may be borne with fewer Complaints, and less Reluctance.’

The farther Consideration of this Question was deferred, and the Chairman having moved for Leave to sit again, it was resolved to proceed on this Business upon the next Day but one, in a Committee of the whole House :

When Sir William Yonge spoke as follows :

S I R,

Sir William  
Yonge.

‘ The last Day which was assigned to the Consideration of this Bill, was spent in long Altercations, in vague and unnecessary

unnecessary Disquisitions, in retrospective Reflections upon Events long past, and in aggravating of Grievances that may never happen; much Sagacity was exerted, and much Eloquence displayed, but no Determination was attained, nor even that Expedient examined, by which those Objections might be removed which appeared so important, or those Dangers obviated which were represented so formidable and so near.

• I hope, Sir, part of the Time which has intervened between that Debate and the present Day, has been employed by the Gentlemen, whose Scruples were so numerous, and whose Caution is so vigilant, in contriving some Methods of maintaining the Army without oppressing the Victuallers, and of providing for our Defence against foreign Enemies, without subjecting us to the Evils of Discontent and Disaffection, which they impute to the present State of the military Establishment.

• To object for ever, and to advance nothing, is an easy Method of Disputation upon any Question, but contributes very little to the Increase of Knowledge; an artful and acute Objector may confound, and darken, and disturb, but never assists Enquiry or illustrates Truth.

• In political Questions, Sir, it is still more easy and less ingenuous; for all political Measures are in some Degree right and wrong at the same Time; to benefit some they very frequently bear hard upon others, and are therefore only to be approved or rejected as Advantages appear to over-balance the Inconveniencies, or the Inconveniencies to out weigh the Advantages.

• It is, Sir, the proper Province of a Senator to promote, not to obstruct the public Councils, and when he declares his Disapprobation of any Expedient, to endeavour to substitute a better. For how can he be said to sustain his Part of the general Burthen of public Affairs, who lays others under the Necessity of forming every Plan, and inventing every Expedient, and contents himself with only censuring what he never endeavours to amend?

• That every Man who is called forth by his Country, to sit here as the Guardian of the public Happiness, is obliged, by the Nature of his Office, to propose in this House whatever his Penetration or Experience may suggest to him as advantageous to the Nation, I doubt not but all that hear me are sufficiently convinced; and therefore cannot but suppose that they have so far attended to their Duty, as to be able to inform us how the present Inconveniencies of this Bill may be remedied, and its Defects supplied.

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‘ To shew, Sir, at least my Inclination to expedite an Affair so important, I shall lay before the House an Amendment that I have made to the Clause, pursuant to a Hint offered the last Day by an Honourable Member, “ That all Inn-holders, Victuallers, &c. shall be obliged to furnish Soldiers with Salt, Vinegar, Small-Beer, Candles, Fire, and Utensils to dress their Victuals, and so doing, shall not be obliged to supply the Troops with Provisions, except on a March.”

‘ I am far, Sir, from thinking the Clause as it will stand after this Amendment, compleat and unexceptionable, being conscious that some Articles in it may require Explanation. The Quantity of Small-Beer to be allowed to each Soldier must necessarily be ascertained in order to prevent endless and indeterminable Disputes; for one Man, Sir, may demand a greater Quantity than another, and a Man may be prompted by Malice or Wantonness to demand more than Health requires; it will therefore be proper to limit the Quantity which must be furnished, that neither the Soldier may suffer by the Avarice of his Landlord, nor the Landlord be oppressed by the Gluttony of the Soldier.

‘ With regard to this Question, Sir, I expect to find different Opinions in this House, which every Man is at Liberty to offer and to vindicate; and I shall take this Opportunity of proposing on my Part, that every Man may have a daily Allowance of three Quarts. One Quart to each Meal may be allowed in my Opinion to be sufficient, and sure no Gentleman can imagine that by this Limitation, much Superfluity is indulged.

‘ There are some Parts, Sir, of this Kingdom, in which Cyder is more plentiful, and cheaper than Small-Beer, consequently it may be for the Ease of the Victualler, to have the Choice allowed him of furnishing one or the other; it will therefore be a very proper Addition to this Clause, that the Inn-keepers shall allow the Soldier every Day three Quarts of either Small Beer or Cyder.

‘ That penal Sanctions, Sir, are essential to Laws, and that no Man will submit to any Regulations inconvenient to himself, but that he may avoid some heavier Evil, requires not to be proved; and therefore to complete this Clause, I propose that the Victualler, who shall neglect or refuse to observe it, shall be subject to some Fine for his Non-compliance.

Mr. Henry Pelham,

S I R,

Mr. H. Pelham.

‘ I cannot omit this Opportunity of observing how much the Burden of the Army is diminished by the judicious Regulations

regulations invariably observed in the late Reigns, and how little the Assignment of Troops is to be dreaded by the Victualler.

‘ In the Reign of King William, Sir, before Funds were established, while the Credit of the Government was low, the Measures of the Court were often obviated or defeated by the Superiority of the discontented Party, and the Supplies denied which were necessary to support them, and in Expectation of which they had been undertaken, it was not uncommon for the Towns in which the Troops were stationed, to murmur at their Guests; nor could they be charged with complaining without just Reasons; for to quarter Soldiers upon a House, was in those Days little less than to send Troops to live at their Discretion.

‘ As all Supplies, Sir, were then occasional and temporary, and nothing was granted but for the present Existence, the Prevalence of the Opposition for a single Session embarrassed all the Measures of the Court in the highest Degree, their Designs were at a Stand, the Forces were unpaid, and they were obliged to wait till another Session for an Opportunity of prosecuting their Schemes.

‘ Thus, Sir, the Soldiers were sometimes five Months without their Pay, and were necessarily supported by the Inn-keeper at his own Expence, with how much Reluctance and Discontent I need not mention. It cannot but be immediately considered upon hearing this Account of the Soldier’s Condition, with how many Reproaches he would receive his Victuals, how roughly he would be treated, how often he would be insulted as an Idler, and frowned upon as an Intruder. Nor can it be imagined that such Affronts, however they might be provoked, would be borne without Return, by those who knew themselves not the Authors of the Provocation, and who thought themselves equal Sufferers with those who complained. When the Inn-keeper growled at the Soldier, the Soldier, it may be supposed, seldom failed to threaten, or to plunder the Inn-keeper; and to rise in his Demands, as his Allowance was retrenched.

‘ Thus, Sir, the Landlord and his Guest were the constant Enemies of each other, and spent their Lives in mutual Complaints, Injuries, and Insults.

‘ But by the present Regularity of our military Establishment, this great Evil is taken away; as the Soldier requires no Credit of the Victualler, he is considered as no great Incumbrance on his Trade; and being treated without Indignities, like any other Member of the Community, he inhabits his Quarters without Violence, Insolence, or Rapacity,  
and

and endeavours to recommend himself by Officiousness and Civility.

‘ In this present Method of Payment, Sir, the Troops have always one Month’s Pay advanced, and receive their regular Allowance on the stated Day ; so that every Man has it in his Power to pay his Landlord every Night, for what he has had in the Day ; or, if he imagines himself able to procure his own Provisions at more Advantage, he can now go to Market with his own Money.

‘ It appears therefore to me, Sir, that the Amendment now proposed is the proper Mean between the different Interest of the Inn-keeper and Soldier, by which neither is made the Slave of the other, and by which we shall leave to both Opportunities of Kindness, but take from them the Power of Oppression.’

Mr. Carew.

S I R,

Mr. Carew.]

‘ The Amendment now offered is not, in my Opinion, so unreasonable or unequitable as to demand a warm and strenuous Opposition, nor so compleat as not to be subject to some Objections ; Objections which, however, may be easily removed, and which would perhaps have been obviated, had they been foreseen by the Gentleman who proposed it.

‘ The Allowance, Sir, of small Liquors proposed, I cannot but think more than sufficient ; three Quarts a Day are surely more than the Demands of Nature make necessary, and I know not why the Legislature should promote, or confirm in the Soldiery, a Vice to which they are already too much inclined, the Habit of Tipling.

‘ The Inn-keeper, Sir, will be heavily burdened by the Obligation to supply the Soldiers with so many of the Necessaries of Life without Payment, and therefore it may be justly expected by him, that no Superfluities should be enjoyed at his Expence.

‘ But there remains another Objection, Sir, of far more Importance, and which must be removed before this Clause can be reasonably passed into a Law. It is not declared, or not with sufficient Perspicuity, that it is to be left to the Choice of the Inn-keeper, whether he will furnish the Soldier with Provisions at 4d. a Day, or with the Necessaries enumerated in the Clause for nothing. If it is to be left to the Choice of the Soldier, the Victualler receives no Relief from the Amendment, to whose Option, since he must suffer in either Case, it ought to be referred, because he only can tell by which Method he shall suffer least.’

Mr.

Mr. Velters Cornwall.

S I R,

‘ It is not without the greatest Diffidence that I rise to oppose the Gentleman who offered the Amendment ; for his Abilities are so far superior to mine, that I object without Hope of being able to support my Objection, and contend with an absolute Certainty of being overcome. I know not whether it may be allowed me to observe, that the Difference between our Faculties is with regard to Strength and Quickness, the same as between the Cyder of his Country and that of mine, except that in one Part of the Parallel the Advantage is on our Side, and in the other on his. Mr. Velters.  
Cornwall.

‘ The Cyder, Sir, of our Country is one of our most valuable Commodities, so much esteemed in distant Places, that our Merchants often sell it by the Bottle, for more than the Soldier has to give for the Provision of a Day, and of such Strength, that I, who am accustomed to the Use of it, never was able to drink three Quarts in any single Day.

‘ If therefore, Sir, the Soldier is to have three Quarts of this Cyder, when Small-Beer is not easily to be procured, not only the Inn-keeper, but the Army will be injured ; for what greater Harm can be done to any Man, than to initiate him in a Habit of Intemperance ? And what Outrages and Insolencies may not be expected from Men trilled with Swords, and kept from Day to Day, and from Month to Month, in habitual Drunkenness by a Decree of the Parliament ?

Sir William Yonge.

S I R,

‘ I know not why the Gentleman has thought this a proper Opportunity for displaying his Eloquence in the Praise of his own Cyder. That he loves his own Country cannot be wondered, for no Passion is more universal, and few less to be censured ; but he is not to imagine that the Produce of his native Soil will be generally allowed to excel that of other Counties, because early Habits have endeared it to him, and familiarised it to his particular Palate. Sir William  
Yonge.

‘ The Natives of every Place prefer their own Fruits and their own Liquor, and therefore no Inference can be drawn from Approbation so apparently partial. From this Prejudice I am far from suspecting myself free, nor am desirous or industrious to overcome it : Neither am I afraid of exposing myself to all the Censure that so innocent a Prepossession may bring upon me, by declaring, that, in my Opinion, the Cyder of my native Country is of equal Excellence with that which this Gentlemen has so liberally extolled.’

VOL. VII.

D d d

Mr,

Mr. Velters Cornwall.

S I R,

Mr. Velters  
Cornwall.

‘ How little I expect Victory in this Controversy I have already declared, and I need not observe of how small Importance it is what Soil produces Cyder of the greatest Excellence and Value ; since if there be other Places where the Cyder is equally esteemed, and purchased at the same Rate, it is yet more necessary to provide, by some Exception, that the Soldier shall not be entitled to demand of the Victual-ler, Liquor to more than thrice the Value of his Pay, nor be allowed to revel in continual Drunkenness, and to corrupt his Morals, and enervate his Limbs by incessant Debauchery.

‘ But since, Sir, the Preference due to the Cyder of my Country has been denied, in my Opinion, with great Partiality and Injustice, I think myself obliged, by all the Laws of Honour and Gratitude, to stand up once more to vindicate its Superiority, and assert its Value.

‘ The Laws of Honour, Sir, require this from me, as they oblige every Man to stand forth a Vindicator of Merit slighted and oppressed ; and Gratitude calls loudly upon me to exert myself in the Protection of that to which I have been often indebted for a pleasing Suspense of Care, and a welcome Flow of Spirits and Gaiety.

‘ The Cyder, Sir, which I am now rescuing from contemptuous Comparisons has often exhilarated my social Hours, enlivened the Freedom of Conversation, and improved the Tendernefs of Friendship, and shall not therefore now want a Panegyrist. It is one of those few Subjects on which an Encomiast may expatiate without deviating from the Truth.

‘ Would the honourable Gentleman, Sir, who has thus vilified this Wonder-working Nectar, but honour my Table with his Company, he would quickly be forced to retract his Censures, and, as many of his Countrymen have done, confess that nothing equal to it is produced in any other Part of the Globe ; nor will this Confession be the Effect of his Regard to Politeness, but of his Adherence to Truth.

‘ Of Liquor like this, Sir, two Quarts is undoubtedly sufficient for a daily Allowance, in the Lieu of Small-beer, nor ought even that to be determined by the Choice of the Soldier, but of the Inn-keeper, for whose Benefit this Clause is said to be inserted, and from whose Grievances I hope we shall not suffer our Attention to be diverted by any incidental Questions or ludicrous Disputes.”

Mr

Mr. Gore.

S I R,

‘ That the Allowance of two Quarts a Day is sufficient, and that to demand more is a wanton Indulgence of Appetite, is experimentally known, and therefore no more ought to be imposed upon the Inn-keepers. Mr. Gore.

‘ Nor is this, Sir, the only Part of the Clause that requires our Consideration, for some of the other Particulars, to be provided by the Victualler, may easily furnish perverse Tempers with an Opportunity of wrangling: Vinegar is not to be had in every Part of the Kingdom; and where it cannot be procured, ought not to be required; for neither Reason nor Experience will inform us that Vinegar ought to be rank’d among the Necessaries of Life.’

Sir William Yonge.

S I R,

‘ By the Alteration now made in the Clause, the Inn-keepers are effectually relieved from a great Part of the Burden which, in my Opinion, this Act has hitherto laid upon them; the Necessity of furnishing the Soldiers quarter’d upon them with Provisions at the stated Price, whatever might be the Scarcity of the Season or of the Country. That this was the Intention of the Act, is asserted by those whose Reputation and Promotion are sufficient Evidences of their Ability in the Interpretation of our Laws. Sir William Yonge.

‘ The Inn-keeper may now either accept or refuse the limited Price, as it shall appear to him most consistent with his Interest; nor will there be for the future any Room for murmuring at unreasonable Demands, since he may oblige that Soldier, whom he cannot satisfy, to please himself better at his own Expence.

‘ The Choice of the Liquor is likewise wholly referred to the Inn-keeper; for the Words in the Clause requiring, that he shall furnish three Quarts of Small Beer, or Cyder, he complies indisputably with the Law by supplying either; and therefore the Value of Cyder in any particular Country is not of much Importance in the Question before us; if Cyder be more valuable than Small-Beer, it may be withheld; if it be cheaper, it may be substituted in its Place; so that the Inn-keeper has nothing to consult but his own Interest.

‘ That this is the meaning of the Clause, is, I suppose, obvious to every Man that hears it read, and therefore I see no Reason for any Alterations, because I know not any Effect which they can possibly have, except that of obscuring the Sense which is now too clear to be mistaken.’

D d d 2

Sir

Sir John Barnard.

SIR,

Sir John  
Barnard.

‘ Though it should be granted that the Clause before us is intelligible to every Member of this Assembly, it will not certainly follow, that there is no Necessity of farther Elucidations; for a Law, very easily understood by those who make it, may be obscure to others who are less acquainted with our general Intention, less skilled in the Niceties of Language, or less accustomed to the Stile of Laws.

‘ It is to be considered, that this Law will chiefly affect a Class of Men very little instructed in Literature, and very unable to draw Inferences; Men, to whom we often find it necessary in common Cases to use Explanations, and familiar Illustrations, and of whom it may not be unreasonably suspected, that the same Want of Education, which makes them ignorant, may make them petulant, and at once incline them to wrangle, and deprive them of the Means of deciding their Controversies.

‘ That both Inn-holders and Soldiers are, for the greatest Part, of this Rank and Temper, I suppose, Sir, every Gentleman knows from daily Observation, and therefore it will, I hope, be thought necessary to descend to their Understandings, and to give them Laws in Terms of which they will know the meaning; we shall otherwise more consult the Interest of the Lawyers than the Inn-holders; and only by one Alteration produce a Necessity of another.

‘ I am therefore desirous, Sir, that all the Difficulties, which have been mentioned by every Gentleman on this Occasion, should be removed by clear, familiar, and determinate Expressions; for what they have found difficult, may easily be to an Inn-holder or Soldier absolutely inexplicable.

‘ I cannot but declare, while I am speaking on this Subject, that, in my Opinion, two Quarts of Liquor will be a sufficient Allowance. If we consider the Demands of Nature, more cannot be required; if we examine the Expence of the Inn-holder, he ought not to supply Soldiers with a greater Quantity for nothing. It is to be remembered, that Small-beer, like other Liquors, is charged with an Excise in Public Houses, and that two Quarts will probably cost the Landlord a Penny; and as we cannot suppose, that Fire, Candles, Vinegar, Salt, Pepper, and the Use of the Utensils, and Lodging, can be furnish’d for less than Three-pence a Day, every Soldier that is quarter’d upon a Public House, may be consider’d as a Tax of six Pounds a Year: A heavy Burthen! which surely ought not to be aggravated by unnecessary Impositions.’  
The

The Committee having gone thro' the Bill, and settled the Amendments, the Chairman was ordered to make his Report the next Day.

Accordingly the said Report was then read, and the Amendments to the Clauses in Debate, which then ran thus :

That the Officers and Soldiers to be quartered and billeted as aforesaid, shall be received, and furnished with Diet and Small-Beer by the Owners of the Inns, Livery-Stables, Ale-Houses, Victualling-Houses, &c. paying and allowing for the same the several Rates mentioned.

Provided, That in case the Inn-holder, on whom any Non-commission Officers or Soldiers shall be quartered by virtue of this Act, (except on a March) shall be desirous to furnish such Officers or Soldiers with Candles, Vinegar, and Salt, and with either Small-Beer or Cyder, not exceeding three Quarts for each Man a Day, gratis, and to allow them the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall give Notice of such his Desire to the commanding Officers, and shall furnish and allow them the same accordingly; then, and in such Case, the Non-commission Officers and Soldiers so quartered shall provide their own Victuals, and the Officer to whom it belongs to receive, or that does actually receive the Pay and Subsistence of such Non commission Officers and Soldiers, shall pay the several Sums, payable out of the Subsistence-Money for Diet and Small-Beer, to the Non-commission Officers and Soldiers as aforesaid, and not to the Inn-holder, or other Person on whom such Non-commission Officers or Soldiers are quartered.

The Question being put, whether this Clause should stand thus, Mr. Carew spoke to this Effect :

S I R,

' Tho' it may perhaps be allowed, that the Circumstances Mr. Carew. of our present Situation oblige us to support a more numerous Army in former Years, surely no Argument can be drawn from them that can shew the Necessity of a profuse Allowance to our Soldiers, or of gratifying their Desires by the Oppression of the Inn-holders.

' If, Sir, the Designs of our Enemies are so malicious, and their Power so formidable, as to demand Augmentations of our Troops, and Additions to our natural Securities, they ought surely to impress upon us the Necessity of frugal Measures, that no useless Burdens may be imposed upon the People.

' To

‘ To furnish two Quarts of Beer, Sir, every Day for nothing, is undoubtedly an Imposition sufficiently grievous, and I can, therefore, discover no Reason for which an Allowance of three should be established; a Proposal injurious to the Victualler, because it exacts more than he can afford to allow; and of no Benefit to the Soldier, because it offers him more than he can want.’

L Sir William Yonge.

S I R,

Sir William  
Yonge.

‘ If it is an Instance of Misconduct to spend upon any Affair more Time than the Importance of it deserves, I am afraid that the Clause to which our Attention is now recalled may expose us to Censure, and that we may be charged with neglecting weighty Controversies, and national Questions, to debate upon Trifles; of wasting our Spirits upon Subjects unworthy of Contention; of defeating the Expectations of the Public, and diverting our Enemies rather than opposing them.

‘ But, Sir, as nothing has a more immediate Tendency to the Security of the Nation than a proper Establishment of our Forces, and as the Regulation of their Quarters, is one of the most necessary and difficult Parts of the Establishment, it is requisite that we think no Question of this kind too trivial for our Consideration, since very dangerous Disturbances have often been produced by petty Disputes.

‘ The Quantity, Sir, of Small-Beer to be allowed by the Victualler to those Soldiers who shall provide their own Victuals, was disputed Yesterday, and, as I thought, agreed upon; but since this Spirit is revived, I must take the Opportunity to declare that we ought not to assign less than three Quarts a Day to each Man; for it is to be remembered by those who estimate the Demands by their own, how much their way of Life is different from that of a common Soldier, and how little he can be charged with Wantonness and Superfluity, for drinking more small Liquor than themselves.

‘ There are few Members of this House, who do not, more than once a Day, drink Tea, Coffee, Chocolate, or some other cooling and diluting Infusion; Delicacies which the Soldier cannot purchase, to which he is entirely a Stranger, and of which the Place must be supplied by some other cheap and wholesome Liquors.

‘ If, Sir, those Gentlemen, whose close Attention to the Interest of the Inn-holder has perhaps abstracted them, in some Degree, from any Regard to the Necessities of a Soldier, will consent to allow him five Pints a Day, I shall contend

tend no longer; for tho' I cannot agree that it is a sufficient Provision; yet, as other Gentlemen equally able to judge in this Subject with myself, are of a different Opinion, I shall shew my Regard for their Sentiments, by desisting from Opposition."

Lord Baltimore.

S I R,

" I am not able to discover any Necessity of compromising this Debate, by taking the Mean between the two different Opinions, or for denying to the Soldiers what every Labourer or Serving-man would murmur to be refused for a single Day.

Lord  
Baltimore

" I believe, Sir, every Gentleman who examines the Expence of his Family, will find that each of his Servants consumes daily at least three Quarts of Small-Beer, and surely it is not to be required that a Soldier should live in a perpetual State of War with his Constitution, and a constant Inability to comply with the Calls of Nature."

General Handyside.

S I R,

" The Inclination shewn by several Gentlemen for a pe-  
nurious and scanty Provision for the Soldier, must, in my  
Opinion, proceed from an inattentive Consideration of his  
Pay, and will therefore be removed by laying before them an  
Account of his Condition, and comparing his daily Pay with  
his daily Expenses. General  
Handyside.

" The whole Pay of a Foot Soldier, Sir, is 6d. a Day, of which he is to pay 4d. to his Landlord for his Diet, or, what is very nearly the same, to carry 4d. daily to the Market, for which how small a Supply of Provisions he can bring to his Quarters, especially in Time of Scarcity, I need not mention.

" There remain then only Two-pence, Sir, to be distributed for Things not immediately necessary for the Preservation of Life, but which no Man can want without being despicable to others, and burthensome to himself. Two pence a Day is all that a Soldier has to lay out upon Cleanliness and Decency, and with which he is likewise to keep his Arms in Order, and to supply himself with some Part of his Cloathing. If, Sir, after these Deductions, he can from Two-pence a Day procure himself the Means of enjoying a few Moments in the Year with his Companions over a Cup of Ale, is not his OEconomy much more to be envied than his Luxury? Or can it be charged upon him that he enjoys more than his Share of the Felicity of Life? Is he to be burdened with new Expences lest he should hoard up the public Money,  
stop

stop the Circulation of Coin, and turn Broker or Usurer with Two-pence a Day ?

‘ I have been so long acquainted, Sir, with the Soldier’s Character, that I will adventure to secure him from the Charge of Avarice, and to promise that whatever he shall possess not necessary to Life, he will enjoy to the Advantage of his Landlord.’

Mr. Campbell.

S I R,

Mr. Campbell.

‘ I am far from intending to oppose this Proposal of five Pints, though, upon a rigorous Examination, it might appear more than the mere Wants of Nature require; for I cannot but declare that this Question has too long engaged the Attention of the House, and that the Representatives of a mighty Nation, beset with Enemies, and encumbered with Difficulties, seem to forget their Importance and their Dignity, by wrangling from Day to Day upon a Pint of Small-beer.

‘ I conceive the Bill which we are now considering, Sir, not as a perpetual and standing Law, to be inter-woven with our Constitution, or added to the Principles of our Government, but as a temporary Establishment for the present Year; an Expedient to be laid aside when our Affairs cease to require it; an experimental Essay of a new Practice, which may be changed or continued according to its Success.

‘ To allow, Sir, five Pints of Small-beer a Day to our Soldiers for a single Year can produce no formidable Inconveniences, and may, though it should not be entirely approved, be of less Disadvantage to the Public than the Waste of another Day.

An Alteration was made to Five Pints instead of three Quarts, and the Bill, thus amended, was ordered to be engrossed; and a few Days afterwards being read a third time was passed, and ordered to the Lords.

#### DEBATE on the SEAMENS BILL.

The Clause being read, That the Justices of Peace shall, upon proper Application, issue out Warrants to the Constables, &c. to search by Day or Night, for all such Seamen or seafaring Men as shall withdraw or conceal themselves within their respective Jurisdictions, and for this Purpose to make a general Search, in which it shall be lawful for them to enter any House, where they shall suspect such Seamen to be concealed, and if Entrance be not readily admitted them, to force open the Doors of such House, in order to make such Search.—And that whoever shall presume to harbour or conceal any such Seamen, or wilfully do any thing to hinder or frustrate the Search, for every such Offence shall,

(here

( here the Punishment was to have been filled up by the Committee )

Lord Gage stood up and spoke to the following Effect.

Mr. Speaker.

SIR,

I cannot sit in this Place, and hear such a Clause read, without declaring myself against it; because I think it absolutely inconsistent with the Liberties of my Country. An Englishman's House has always been said to be his Castle: No Man is to enter into it without his Leave, unless there be a strong Suspicion of his having been guilty of some very atrocious Crime, and that Suspicion declared upon Oath by some Witnesses of good Credit. But by this Clause, the House of every Man in England is to be laid open, both by Day and by Night, to all the petty Constables in his Neighbourhood. If such a Clause should pass into a Law, can any Man in England be said to be free? Can any Man's Property be said to be safe; especially when we consider the Character of many of those who serve the Office of Constable for Hire?

This, Sir, would be of such dangerous Consequence to the Properties as well as the Liberties of the Subject, that no Necessity can justify our passing such a Law; and the only Argument I have heard made use of in its Favour, is rather, in my Opinion, an Argument against it. When this Bill was first brought in, we were told, as an Argument for it, that there was such a Law passed in the 5th Year of Queen Anne; but as that Law subsisted for a Year only, and as it was neither continued nor revived, it is to me a convincing Proof, that the Law was found inconvenient and dangerous, or that it was found not to answer the Purpose intended, and therefore I am against trying the Experiment a second Time.

Sir Charles Wager.

SIR,

As it is hardly possible to contrive any Law for the public Service, that may not seem inconvenient to private Men; and as in such a numerous Assembly, there must be a great Variety of Sentiments, I expected, when this Bill was first brought in, to hear it opposed, especially by those Gentlemen who happen at present to have no Share in our Administration; because they are not sensible of the Difficulties that are to be met with in providing for the public Service, even after the Parliament has granted the Sums necessary for that Purpose; to which I must add, that they are generally but

too jealous of the Liberties of the Subject, which makes them take the Alarm at every Thing that looks like an Extension of the Powers of our Government, however necessary that Extension may be for the Ease or Safety of the People.

' This, Sir, is the Case at present. Every Gentleman must grant, that his Majesty's Navy ought to be mann'd; because without Men it can be of no Service to the Nation; but as the Law now stands, our Government labours under insuperable Difficulties in providing a sufficient Number of Seamen for the Service of the Navy. They have tried Pressing: They have tried Embargoes: They have tried every Method the Law admits of, without Success; and I do not at all wonder at it; for when a Seamen expects 3*l*. a Month in the Merchant's Service, I do not wonder at his endeavouring to avoid being pressed into his Majesty's Service, where he has but a little more than 20*s*. He does this by absconding and concealing himself till he finds an Opportunity for entering into the Merchant's Service, and therefore those now employed in our Government find it absolutely necessary for them to have a Power to search for and apprehend such Seamen, either by Night or by Day, and to break open Doors, if Admittance should be denied to the Civil Officer.

' This Power, 'tis true, Sir, if it were to be made a bad Use of, might, like all other Powers, prove troublesome and inconvenient to the Subject; but whilst it is properly used, it can be inconvenient to none but those who conceal Seamen in their Houses, or at least to such as give Suspicion of their doing so, which can never be the Case of any Man of Rank or Figure in the Kingdom; and in modelling this Clause, all possible Care has, I think, been taken to prevent this Power's being made an improper or bad Use of; for the Justices of Peace, before they can order a Search for Seamen, must have an Authority from the Admiralty, and after they have this Authority, they are to issue their Orders, not to a Press-Gang, or Officer of the Navy, but to the Constables, who are always such as live in the Neighbourhood, and being well known, might easily be prosecuted and punished, should they any way misbehave in the Execution of their Office.

' I cannot therefore, Sir, form to myself any Apprehension, or imagine the least Danger from our passing this Clause into a Law. A Man's House will still be his Castle: Should this Clause pass into a Law, no Man's House could be forced open, unless he is guilty of a Crime, or has by some Misconduct given Cause to suspect his being guilty. I say guilty of a Crime, Sir; for, I think, it is a very great Cause in any Man to withdraw himself from the Service of his Country, when the Safety, perhaps the very Being of his Country depends

pend upon his Service; and therefore I must think it a Crime of a very heinous Nature in those who conceal Seamen so withdrawing from the Service of the Crown: The public Safety as much requires, and, in my Opinion, they as much deserve to be exposed to the Danger of having their Houses searched, or their Doors forced open, as those that harbour Thieves, or conceal stolen Goods; and tho' the Power of searching the Houses of such Criminals, or suspected Criminals, and breaking open their Doors in Case of Non-admittance, has been established for Ages, yet it has never been found inconvenient to innocent Men, or dangerous to the Liberties of the Subject.

' I believe, Sir, no Gentleman will suppose that those who were employed in our Administration, in the 5th Year of the late Queen, had any Designs against the Liberties of their Country. I believe, it will be generally admitted, they had as great a Regard for both the Liberties and Properties of their Fellow Subjects, as any Administration ever had, yet they contrived and got passed such a Law as is now proposed. This shews, it was not then thought, that such a Law would be of dangerous Consequence to the Properties, or an Encroachment upon the Liberties of the Subject; and if that Law was not continued or revived, it was not because of any Inconvenience found in it, but because there was no Occasion for continuing or reviving it. There can never be any Occasion for such a Law, but at, or soon after the Beginning of a War, nor when we are engaged with an Enemy possessed of a very great naval Force; and as the naval Power of France had been so much broke in the Beginning of that War, that they durst never afterwards face us at Sea, we had no Occasion for continuing or reviving this Law at any Time after the Year 1706.

' The Case, Sir, may now be the same: If we pass the Law now proposed, it will be of great and immediate Service with regard to the Manning his Majesty's Navy; and if we should make it to subsist but for a Year, there may probably be no Occasion for continuing it; or, if there should, we may continue it but from Year to Year, till the Occasion we have for it ceases; so that I can apprehend no Danger from our passing it in the Form it stands at present, and as I can think of no other Method for manning the Ships we have now in Commission, I must therefore be for the Clause, and as it is necessary at this immediate Juncture, I hope it will be passed into a Law.'

Sir John Barnard.

SIR,

' The Nature and Consequences of the Clause now under Sir John Barnard.

E e c 2

our Consideration, were so fully explained upon the second Reading of this Bill, that I should not have given you any Trouble upon this Occasion, but as several Arguments were then thrown out, by way of Answer to the Objections I had made to the Bill, to which I had not then an Opportunity to make any Reply; I shall now beg Leave to shew the Weakness of those Arguments, and to enforce the Objections I then made, which to me appear the stronger, the more I consider the Nature of this Bill; especially when I compare it with the Nature of our Constitution, and consider the Use that may be made of it by a Minister, who resolves to have no Justice of Peace in any Country, but such as will yield a blind Obedience to his Orders.

We were told, Sir, that private Interest must always give way to the public; that the Manning of the Royal Navy is a public Concern of the greatest Consequence, and that therefore every private Interest must be sacrificed to it when it becomes absolutely necessary to do so. I would gladly ask these Gentlemen, if they think the Trade of the Nation a public Concern? What Gentlemen may do who have lucrative Posts or Employments under the Crown I do not know; but I am sure, if our landed Gentlemen do not look upon Trade as a public Interest, they will very soon find their private Interest very much diminished, and in some Places almost entirely annihilated. It is from our Trade, Sir, we have our Riches, our Power, our Navy, and our Seamen; and therefore, if we should lose our Trade, either by Neglect, or by subjecting it to insufferable Hardships, we should have no Occasion for such a Law as is now proposed; for we should neither have Seamen, nor Ships to put Seamen on board of. Our Trade has already suffered very considerably by the Methods we have taken for manning our Navy, and by this Bill you will put an End to the very Breed of our Seamen; for no Man will go to Sea, or breed himself up a Sailor, when he considers, that, by the Laws of his Country, he thereby becomes liable to be pressed, whenever a Minister shall take it in his Head to fit out a Squadron, either for Shew or Service, and that if he conceals himself, he is to be hunted after as if he were a common Felon.

Another Argument made use of in Favour of the Bill was, that there are a great Number of Sailors lurking up and down the Country, and that there are at least 6000 now employed in our Coasting Trade. As to the Sailors that are lurking in the Country, and unwilling to enter either into the Merchant Service, or the Service of the Navy, I wish they could be apprehended, if they cannot be tempted by the Reward offered by this Bill, to enter into his Majesty's Service;

but I do not believe there is any great Number of them; and, I am sure, no Gentleman of this House can with good Reason affirm there is; for if he could, he must then know where about they are to be met with, and in that Case he would certainly give the Government Notice of it, to the End they might be apprehended and sent on board the Navy. That there are a great Number of Seamen lurking in the Country I therefore take to be a vague Assertion, made use of in Favour of this Bill, without any solid Foundation; and the other Assertion of there being at least 6000 Seamen employed in our Coasting Trade is, I am convinced, without the least Foundation. I do not believe, Sir, there is a fourth Part of the Number, able-bodied, expert Seamen, employed in our Coasting Trade; for besides the Master, our Coasting Vessels seldom have above one or two such Seamen on board, the rest of the Crew being made up of old Seamen above 55 Years of Age, young Seamen under 18, Apprentices to the Master, and Landmen that were never perhaps before at Sea; and as no Coasting Vessel can safely venture to Sea, without one or two able-bodied, expert Seamen on board, beside the Master, if you should take from them such as are now employed in that Trade, you would put an entire Stop to it at once, the Consequences of which would soon become terrible, especially here at London, where the People are under a Necessity of having a continual Supply from almost every Corner of the Kingdom.

I am therefore convinced, Sir, should this Clause be passed into a Law, that its Authors and Advocates would find themselves very much mistaken as to its Effect. It might, perhaps, force some of our best Seamen into foreign Service, especially such as have been employed in the East-India Trade, but I cannot think it would add any great Number to the Navy; and I am the more convinced of this, from what I have heard as to the Effect of that Bill which was passed into a Law in the 5th of the late Queen, and which was of the same Nature with this; for I have been informed, that, by Means of that Bill, they at that Time got but a small Number of Seamen, which was the Reason of its not having been continued. As that Ministry had, I believe, as great a Regard for the Liberties and Properties of their Fellow Subjects as any Minister can have, this was with them a prevailing Argument for not insisting upon the Law's being continued; but we are not to expect the like Condescension from every Minister, and as it is much easier to prevent a Bill's being passed into a Law, than to prevent the Law's being continued, I shall always be against trusting Ministers, even with a temporary Law, which I think dangerous to our Constitution, however plausible

plausible the Pretences may be that are made use of in its Favour. This, I say, shall always be my general Resolution; but upon the present Occasion I have a particular Reason for adhering to this Resolution, for when a Law may serve for Purposes that are not declared, as well as for those that are, and when it has by Experience been found ineffectual for the declared Purposes, I have, I think, Reason to suspect, that the Design of renewing it is in order to turn it to those Purposes that are not declared.

As for the other Argument made use of in Favour of this Bill, which was that of our being at present under a Necessity of passing some such Bill, it will, from what I have said already, appear without any Foundation; for if the Bill be ineffectual, if it has by Experience been found to be ineffectual for the Purposes declared to be intended by it, surely the Nation can be under no Necessity for having it passed into a Law. I shall grant, that for other Purposes which are not declared, which never will be declared, it would be very effectual. It might, if passed into a Law, be made effectual for plaguing and harrassing those who should not shew Complaisance enough to our Justices of the Peace, or to their Superiors, our Ministers; but if there be any amongst us that secretly intend to turn the Law to such Purposes, I am sure, every other Gentleman in the House, as well as the Nation in general, has great Reason to prevent the Bill's being passed into a Law.

For my own part, Sir, I do not know what Necessity we may be under at present; but this I know, that there are many Degrees of Necessity, and I hope we are not yet come to the last; for there are several other Methods may be thought of, besides that now proposed. We may pass a Bill for suspending the Navigation Act, and for encouraging foreign Seamen to enter into our Merchants or Government's Service: We may receive a great Number of Landmen on board every Ship of War; for it has always been admitted, that one Third expert Seamen is sufficient for navigating the Ship, and Landmen may in a few Days be made as fit for fighting her, as if they were expert Seamen. If this Method were taken, our Admiralty might appoint proper Persons to proportion the Number of Seamen and Landmen on board each Ship of War, which would be a great Relief to the Merchant Service; and if, from the Beginning of this War, such a Method had been followed, we should not now have been under any Distress for want of Seamen, nor would our Trade have been brought under such Difficulties, as it labours under at present. After such a long Tract of peaceable Times, and the many Discouragements our Seamen had met with at home,

it might easily have been foreseen, that there would be a great Scarcity of Seamen at the first breaking out of a War; and therefore the Gentlemen of our Admiralty ought to have begun with taking all the able-bodied Landmen they could possibly engage to enter into his Majesty's Sea Service, and at the same Time they should take Care, that no Captain of a Man of War should carry out a greater Number of Seamen, than was barely sufficient for navigating his Ship, and that the best-seasoned Seamen should be put on board those Ships that were designed for the West Indies.

‘ But, instead of pursuing these Measures, we have, almost in every Step, pursued the direct contrary, by which we have brought ourselves under the Necessity complained of; and now to relieve us from this Necessity, of the several Methods that may be thought of, that alone is proposed, which tends most to increase the Power of the Minister, and is consequently of the most dangerous Consequence to the Liberties of the People. This, Sir, is a pretty extraordinary Method of proceeding, but I am no Way surprized at it, because it is a Method of proceeding, which of late Years has been practised upon several former Occasions; and therefore I shall only observe, that the oftner we see it practised, the more suspicious we ought to be of those who practise it, the more we ought to be upon our Guard against all Additions to the Power of the Crown, especially such as can serve only to enslave us.

‘ I shall grant, Sir, it is a very heinous Crime in a Man to withdraw himself from the public Service, when he thinks his Service may be of Use to his Country, and when it is his Turn to go upon that Service; but in this Country there are two Circumstances, which render a Seaman's absconding not altogether so criminal, as it would otherwise be. When a Seaman is to enter, or to be pressed on board our Navy, he is not sure whether he is to go to serve his Country, or to be made a Raree-Shew, of, either upon our own or upon some foreign Coast: This Doubt hath arisen from our Conduct for almost twenty Years past, and from the many useless Squadrons we have fitted out; and whilst a Seaman is in this Doubt, I cannot think it any Crime in him to withdraw himself from the public Service. The other Circumstance is, our Custom of pressing Seamen out of Ships homeward-bound from a long Voyage, and of turning them over from one Man of War to another, often, without giving them a Day to see their Friends, or to refresh themselves ashore; so that no Care is, nor indeed has ever been taken, to give Seamen their Turn of Service in the Navy, which is a very reasonable Excuse for our Seamen's absconding and withdrawing themselves from the public Service, and is a Grievance, which  
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some way or other ought to be remedied as soon as possible but surely this Grievance may be removed without putting it in the Power of a petty Constable to harass and oppress the best Gentleman, or even the greatest Lord in his Neighbourhood, which would be the Case, if this Clause should pass into a Law, as will appear to every Gentleman, who impartially considers the Words of the Clause.

The Justices of Peace, it is true, Sir, must have an Authority from the Admiralty, before they can issue their Orders for a general Search for Seamen, and the Constables must have their Orders from the Justices, before they can go upon that Search; but those Orders are not to specify the Houses they are to search: The Orders are to be general; and when a petty Constable is provided with such a general Order, and a Press-Gang proper for his Purpose, whatever it may be, may not he insist upon searching the House of any Gentleman, or any Nobleman in the Neighbourhood? May not he break open the Gates and the Doors of the House, if the Servants should refuse to give him Admittance upon the first Word of Command? This, Sir, is such an unlimited Power, and is lodged in a Person of such a low Character, that I am surprized how it could enter into any Minister's Head to think, that a British Parliament would approve of it. I am sure, I shall most heartily give it my Negative, and I hope, even the Gentlemen who brought in the Bill, will agree to leave out this Clause, when they consider seriously the Consequences it may be attended with.'

Sir William Yonge.

SIR,

Sir William  
Yonge.

'By the Complaints within Doors, and the Clamours without, it would seem as if People thought, that War might be carried on without exposing our Trade to the least Inconvenience or Danger, which every considerate and impartial Man must allow to be impossible. That of drawing a great Number of Seamen out of the Merchant Service, and consequently raising Seamen's Wages in that Service, is one of those Inconveniences, that cannot be avoided at the Beginning of a War, especially after a long Tract of peaceable Times; and as those entrusted with the Administration of our public Affairs cannot engage Seamen to enter into the King's Service, by increasing their Wages, they must have recourse to Pressing, in which no regular Method can be observed; for when the Service requires it, they must press all they can find, without regard to their having been for a long or a short Time at Sea, before their being pressed into the King's Service.

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\* The only two Methods I have ever heard of for preventing these Inconveniencies, are, to keep a great Number of Seamen, even in Time of Peace, in continual Pay, and to have a general Register for our Seamen. If we had kept 20 or 30,000 Seamen in continual Pay and continual Service, during the many Years we have been in profound Peace, we should now have no Occasion to draw any great Number away from our Trade; but this would have, seven Years ago, been exclaimed against, as putting the Nation to an Expence that was both unnecessary and dangerous: And if we had yearly fitted and sent out a powerful Squadron, for no other Reason but to exercise our Seamen, and prevent their forgetting their Trade, it would have been ridiculed, and called making a Rarée-Shew of our Squadron and Seamen.

\* Then, Sir, as to a Register for Seamen, it is certain, that if the Government had an Account of all the Seamen in the British Dominions, and could call upon such of them as they pleased, to come in and serve on board the Royal Navy, the Admiralty would never have Occasion to issue any Press-Warrants, nor to force any Seaman to serve out of his Turn, or longer than his Turn. There would then be no Occasion to press Men out of a Merchant-Ship just returned from a long Voyage, nor for turning over a Crew from one Man of War to another. But this of a Register too, we are told, would be dangerous to our Constitution, and would make Slaves of our Seamen. Thus, Sir, some Gentlemen are daily complaining of the Hardships to which our Trade and our Seamen are exposed, and yet they will neither propose, nor agree to any of the Methods that are proposed for preventing its being necessary to subject our Trade and our Seamen to those Hardships. To defend our own Coasts in time of War, we must have Squadrons at Sea, or ready to put to Sea; to protect our Trade, we must have a great Number of Cruisers and Convoys at Sea; to attack or annoy the Enemy, we must send powerful Squadrons upon their Coasts. If any of these Services were neglected, those that are not in our Government would exclaim against those that are, and they would have Reason to exclaim; when those that are in our Government make use of the only Means they have in their Power for supplying those Services, the Gentlemen that happen not to be concerned in our Government complain of their Conduct, and say, they unnecessarily harass our Trade, and oppress our Seamen; and when those that are in our Government propose the establishing of other Methods for supplying those Services, those that are not in our Government take the Alarm and say, they are going to overturn our Constitution.

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These

• These, Sir, are the Circumstances we now seem to be in : These are the Circumstances we have been long in ; and whilst we are in these Circumstances, we can never expect to be easy at home, or to make a Figure abroad ; therefore, I wish, Gentlemen would lay aside their Jealousies and Fears, and concur heartily and sincerely in all Measures that seem to be necessary for enabling us to act with Vigour in our national Capacity. Every Man desires to have the public Service performed : Every Man desires to have the public Wants supplied ; but few are willing to contribute their due Share either of Labour or Expence : The Government must be invested with such Powers as are necessary for compelling those that are unwilling : If it is not, you can never expect to act with Vigour in Time of War, nor to be at quiet in Time of Peace. You ought not therefore to be jealous of giving such Powers to your Government : You ought only to be watchful lest any of those Powers should be made a bad Use of ; and whilst our Judges below do their Duty, no Power granted by Parliament can be made a bad or an oppressive Use of with Impunity. When there is a legal Remedy, the Injured will certainly take Advantage of it ; and if there should be no legal Remedy, if the Criminal should be too high or too cunning for our Judges to reach him, the Parliament may come in Aid, and will always be able to give the injured Subject a sufficient Redress, against the highest or most cunning Oppressor.

• For this Reason, Sir, I cannot think there is any Danger that the Constables, who are to execute the Powers proposed to be established by this Clause, will ever make a bad Use of them, or search any House without some reasonable Suspicion of Seamen being kept concealed in it ; but if it should be thought, that an unlimited Power in this respect is too great to be lodged either in the Justices of the Peace, or in their Under-Officers the Constables, you may restrain their Power by an Amendment to the Clause : You may amend it so as that neither the Justices nor the Constables can search any House without an Affidavit, that some absconding Seamen are supposed to be concealed in the House. This, I think, will obviate all the Objections that have been made to the Clause, as it now stands ; and the establishing of such a Law may very probably put an End, in a short Time, both to Pressing and Searching ; for, if it were once made impossible for Seamen to avoid being pressed by absconding, and such a Reward was offered as is by this Bill proposed, to all such as should enter themselves voluntarily into his Majesty's Service, every Seaman in the Kingdom would, upon the first Proclamation, voluntarily offer himself, in order to be entitled to the Reward,

ward, if he were accepted of, or to a Protection if he were not. By this Means our Government would always have Plenty and Choice of Seamen at its Command, which would put an End to Pressing as well as Searching; and the Commissioners of our Admiralty would then have it in their Power to give every Seaman his Turn of Service in the Navy: They would then have no Occasion to force any Man out of his Turn, nor to desire him to continue longer in the Navy than his Turn; and consequently they could never be under a Necessity to press Seamen out of a Merchant Ship homeward-bound from a long Voyage, nor to turn a Crew over from one Man of War to another.

‘ I am therefore, Sir, surprized to hear it said, that this Law would bring our Seamen into any Sort of Slavery, or under the least Inconvenience; for, in my Opinion, it would have a quite contrary Effect: It would relieve them from all the Hardships they now labour under, by making it unnecessary for our Government to force any of them into his Majesty’s Service, or to keep them there, out of their Turn; and if we should, even in Time of Peace, keep in continual Pay but half as many Seamen as we can probaby have use for in Time of War, which, now we have seen the Inconvenience of not doing so, will, I hope, be resolved on, when Peace is restored, we could then carry on any future War, without drawing such a Number of Seamen from the Merchant’s Service as might any way embarras our Trade; for I shall grant, that a certain Number of Landmen, in Proportion to the Number of Seamen, may be taken on board every Ship of War; but I am far from thinking that the Proportion of Landmen should be so great as two Thirds. A few Landmen may, ’tis true, assist in fighting the Ship; but from all I could ever learn, and I have been curious in this Particular, an expert Seaman is better even for fighting the Ship than the best-trained Landmen you can put on board; and it is to the great Number of Seamen we usually have on board our Ships of War, that our Ships are superior to any foreign Ships of the same Rate. Our Neighbours generally put more Men on board our Ships than we do, but as most of their Men are Landmen, and most of ours are Seamen, we work our Ships and manage our Guns more dexterously than they do, which always gives us the Advantage in an Engagement; and tho’ their Landmen are often trained Soldiers, yet it is generally found, we do more Execution even with their small Arms than they can.

‘ I therefore hope, Sir, we shall always hereafter put ourselves to a little extraordinary Expence in Time of Peace, rather than give up this Superiority which has often been of

great Benefit to us, and from which we have reaped so much Glory ; and as we had not done so during the last Peace, and were therefore in great Want of Seamen at the Beginning of the War, I must think, it was better to distress our Trade a little, rather than expose our Ships to be taken, and our naval Reputation to be lost, by putting too many Landmen on board any of our Ships of War, especially those sent to the West-Indies. The Climate in that Country is known to be so obnoxious to our Landmen, and our Ships are so far distant from any fresh Supply, that we could not venture to put any Number of Landmen on board ; and it is to this chiefly that we ought to impute the present great Scarcity of Seamen ; for in this Part of the World we have now above 20,000 Seamen in his Majesty's Service, besides the great Numbers that are gone thither to serve on board Privateers. We could not at the beginning put any Proportion of Landmen on board the Ships designed for that Service, and much less can we do it now ; and with regard to the Ships at home which are now in Commission, I believe, we must content ourselves with having one Third expert Seamen on board each of them, and must therefore proportion our Seamen among them as well as we can.

‘ This, Sir, is a Necessity we are drove to, which, I must say, I am sorry for, because I think it a dangerous Necessity ; for how soon we may be obliged to send a great Number of these Ships to Sea no one can tell. I do not pretend to be let into any Secrets of State, or any of the secret Intelligence we have from abroad ; but I may take Notice of what I have lately seen in a News-Paper, which said, that twelve French Men of War from Brest were to join the Spanish Squadron now sitting out at Cadiz. If this be true, we must immediately send out a very powerful Squadron, to observe the Motions of these united Squadrons, and if our Squadrons should think it necessary to engage. I am afraid, our Ships, with two Thirds Landmen that had never been at Sea before, would not make such a Figure in an Engagement, as they have formerly been used to do : If our Squadron should be defeated, and several of our Ships lost, those who are now complaining of our not having taken Landmen on board, would then, perhaps, change their Note, and complain as heavily of our having tarnished our Glory, lost our Ships, and exposed the Nation to be invaded, by taking too many Landmen on board, and that we had done better to put a Stop to our Trade for a Month or two, than to have exposed ourselves to such Disgrace, such Loss, and such Danger.

‘ The Gentlemen who have the Honour of being at the Head of our Admiralty are, therefore, in the right, Sir, to try

try all Expedients rather than expose themselves to such Complaints: The Expedient now proposed they cannot try without the Authority of Parliament: If that Authority be refused, now they have asked it, they will in so far be justified, let the Consequences be what they will. Whether this Expedient would be effectual no Man can tell, because it is impossible to know what Numbers of Seamen are now lurking up and down the Country, or what Numbers of able-bodied expert Seamen are now employed in our Coasting Trade. As to the former, we have Reason to believe, that there are great Numbers of them, because no Merchant Ship is ever at a Loss for Seamen, if she can but get a Protection. Those called the Crimps know where the Seamen may be sent to, and when the Master of a Trading Vessel wants such a Number, that they are ready at a Call; but their Crimps take Care not to let the Government or any Press Gang know where they are to be met with.

Then, Sir, as to the Number of able-bodied, expert Seamen now employed in the Coasting Trade, tho' I believe it to be much greater than the Honourable Gentleman represents, yet, I am convinced, it is not near so great as usual in Time of Peace, not because there are not many such Seamen now in the Kingdom, but because most of those that are fit for his Majesty's Service, and consequently liable to be pressed, now refuse to be employed at Sea, and have retired up into the Country, where they live by some Employment at Land, or upon the Credit they have from their Crimps or their old Masters, who know they can reimburse themselves with good Interest out of the first Wages the Seaman receives, when a safe Opportunity offers, for his being employed at the present high Wages in the Coasting Trade or Merchant's Service.

For these Reasons, Sir, I believe the Expedient now proposed would have a very great Effect, towards relieving us from our present Distress; and as I cannot think the Clause, with the Amendment I have proposed, could have any bad Consequence, I shall therefore be for its being passed into a Law.

E.

SIR,

When I look round me, I am surprized to find this Bill meet with so much Opposition. I believe we are all true-born Englishmen, I should have said true Britons, in this House; and therefore I hope the Bill at last will meet with a general Approbation; for if there was a Frenchman or a Spaniard amongst us, I am persuaded, he would be against the

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the Bill, especially the Clause now under our Consideration. He would frighten us with Slavery, and I do not know what, in order to prevent our agreeing to such a necessary and useful Regulation. This, I am persuaded, would be the Case, had we any such Men amongst us; and this of itself is with me a sufficient Reason for agreeing to what is proposed.

F.

SIR,

F.

‘ I little suspected that the Opposers of this Clause should be accused of being Frenchmen or Spaniards. It is because I am neither a Frenchman or Spaniard, nor a professed or secret Friend to either, that I am against this Clause. I am a true-born Englishman, and as such I have a sincere Regard for the Liberties and Properties of my Countrymen; therefore I must be against a Clause which will render both precarious. I hope, I shall always be against such Expedients, even tho’ I should thereby sacrifice some private Interest or View of my own. If we had a Frenchman or Spaniard amongst us, that understood any thing of Trade and Navigation, I am convinced, he would be a hearty Advocate for this Regulation: At least I should have a very bad Opinion, either of his Judgment and Foresight, or his Attachment to his native Country, if he were not. If a Spaniard of good Understanding were amongst us, he would certainly be for the Clause, because it would force many of our Seamen into the Service of Spain. If Cardinal Fleury were a Member of this House, I am sure he would be for it; because he would foresee, that, in a short Time, it would give his Country a Superiority over us at Sea, by forcing most of the Seamen we now have into foreign Service, and preventing any Englishman’s breeding himself to the Sea for the future. But, I hope, the Cardinal has no Influence over any Member, far less over a Majority of the House, and therefore, I hope to see the Clause rejected with Disdain.

‘ If we are under any Distress, Sir, for want of Seamen, we have brought it upon ourselves, by not encouraging Landmen to enter into his Majesty’s Sea Service at the beginning of the War, by refusing many that were offered, and by raising Marching-Regiments, under the specious Name of Marines, before we had half-manned our Navy. At the beginning of the War we could not so much as apprehend, that either the Spaniards or the French would in a Twelve-month’s Time be in a Condition to face our Squadrons any where at Sea; we might therefore have taken as many Landmen as we pleased on board our Navy, at the Beginning of the War, because in a Twelve-month’s Time many of them would have become

become expert Seamen, and all would have become fit for some sort of Service on board our Men of War. It is a Mistake to suppose, that the Sea-Climate in the West-Indies is very obnoxious to our Landmen, if they are kept in Action and Exercise: But when our Ships are kept loitering in one Station, with Instructions not to attempt any thing against the Enemy, as they were at the Bastimento's; in that Case, I shall grant the West-Indian Climate would be obnoxious, any Climate would be obnoxious, to Men kept confined on board a Ship in such an idle, spiritless and vexatious Situation; and it would be obnoxious to our Seamen as well as Landmen, as we found by fatal Experience in the Place I have mentioned. But at the beginning of this War, I hope no Squadrons were intended to be sent to the West-Indies with such Instructions; therefore, if a great Number of young, vigorous Landmen had been sent out, I believe they would have kept their Healths as well as our Seamen have done, and most of them would have been Masters of their Business, before they could have met with any thing like Opposition at Sea.

For this Reason, Sir, if we are now in any Distress for want of Seamen, I must impute it wholly to the wrong Measures we took at the beginning of the War; but suppose it to be partly owing to our not having kept a greater Number of Seamen in Pay during Peace, who are they that are to blame for this want of Foresight? I am surprized to hear such a Complaint mentioned by the Advocates for this Motion: Have not they or their Friends had the modelling of the public Expence for almost these twenty Years? Did they ever propose a Number of Seamen for any one Year, that was not agreed to by Parliament? Have not they been often blamed for reducing the Number of Seamen, in order to keep up an unnecessary, dangerous, and oppressive Number of Land Forces? The Truth is, they have all along seemed to be more afraid of the People, than of the People's foreign Enemies; and therefore they neglected and reduced that Body of Men, which is most proper for defending us against foreign Enemies, in order to keep up and increase that Body of Men, which was most proper for defending them against the People.

Thus, Sir, let us consider our present Distress in what Light we will, we must see, that it was intirely owing to the bad Conduct of those, who are the Advocates for this Clause; and the wrong Use they have made of the Powers they were possessed of, is, I think, no very good Argument for entrusting them with more. However, Sir, as I am for pushing this War with the utmost Vigour, I should be for the Clause proposed,

proposed, if I thought it could any way contribute towards relieving us from the Distress we are said to be in; but as I think it would plunge us into farther and greater Difficulties, by driving into foreign Service many of our Seamen we now have amongst us, and as I think it would be of the most dangerous Consequence, both to the Liberty and Property of every Man in the Kingdom, I must therefore be against it.

Mr. Pulteney.

SIR,

Mr. Pulteney.

I did not think to have rose up so soon in this Debate; but I find you are like to perplex yourselves with amending a Clause that cannot be amended, and therefore I stand up to prevent, if I can, your giving yourselves this unnecessary Trouble. Sir, amend it what way you will, it will be a Clause, which no Englishman can agree to. I should not look upon a Man as an Englishman, that would agree to subject himself to such a slavish Power; to have his House exposed to a petty Constable and a Press-Gang at all Hours of the Night, is what no Gentleman that puts any Value either upon his Liberty or his Property will submit to. I have the Honour, Sir, to represent the County of Middlesex, where there are many rich Freeholders; there are Justices of Peace too; these have done me many ill Offices, and have attempted to do me many more; for we know whose Tools most of them are. But I depend upon the Freeholders, and while I preserve their Esteem, I shall despise the Justices.

Do Gentlemen think, Sir, that I will expose my own House, or the House of any Freeholder in England, to be broke open at the Pleasure of an insignificant Two-penny Justice of Peace, prompted by his own Malice or Resentment, or directed by the revengeful Temper of a Minister? A Gentleman may have 500*l.* or 1000*l.* in Bank Notes in his House; these, Sir, have no Ear-Mark: The Gentleman may not, perhaps, have taken the Number: If these should be taken away, how could he recover them? He could not, perhaps, prove that he had any such in his House; if he could, whom could he sue? Would it be possible to fix the taking of them upon any one Man of the Party? But if this could be done, would not a low Fellow of a Constable, or perhaps one of the Press-Gang, make his Escape, as soon as he had got Possession of such a Sum of Money? Thus, it would be impossible for the Owner to recover his Property, or to punish the Man that had robbed him. An Affidavit could be no Security against this Danger; they that will steal, will swear: Supposing the Justice to be no Party in the thievish Conspiracy,

Conspiracy, which I am far from reckoning impossible, a petty Constable, any common Fellow who knew I had such a Sum of Money in my House, might go before a Justice and swear, that I had Seamen concealed in my House: The Justice must, by this Clause, grant his Warrant; he is required so to do: The Constable must make the Search; and the Affidavit-Man comes along with him, as one of the Press-Gang, perhaps when I and most of my Servants are gone to visit a Neighbour, and whilst the other Servants are attending to open the Doors of every Creek and Corner to the Constable, the Affidavit-Man may very probably find an Opportunity to break open my Scrutore, and take away my Money.

But suppose, Sir, our Properties were safe, or could be made safe, against such a Clause as this, would any Gentleman tamely submit to have his House searched, and himself and his Family disturb'd, every Night for two or three Months together? Yet this might be the Case, if a Minister, or the Tool of a Minister, should conceive a Pique against him for opposing them at any Election. We know how easy it is for Ministers to find Affidavit-Men, and no Court in England could give the Gentleman any Redress, because the Search was every Night made according to the express Directions of an Act of Parliament. Even the Parliament itself could not give him Redress, if the Parties concerned in the Conspiracy stood firm by one another: I say, Sir, even the Parliament itself could give no Redress, without exercising a more arbitrary Power, than I shall ever wish to see exercised by any Parliament in England; for no Man could say, the Affidavit-Man had taken a false Oath, when he swore he had Reason to suspect, that Seamen would be that Night concealed in such a House; nor could the Parliament punish the Justice or the Constable, for doing what the Law required them to do. In short, Sir, this Clause is so full fraught with Oppression, and so dangerous to the Liberty, the Property, and the Quiet of every Man in England, not concerned in the executive Part of our Government, that I must think the Contrivers of it have a Fancy, that they and their Posterity in *Sæcula Sæculorum* are to be the Ministers and Magistrates of Great Britain.

An honourable Gentleman, Sir, who argued for this Clause, as he had done for many others of the same Nature, has been pleased to favour us with his Advice, to lay aside our Jealousies and Fears, and entrust our Ministers with all such Powers, as they shall call necessary for enabling us to act with Vigour in our national Capacity. This, Sir, is directly the Fable of the Fox and the Geese; but I hope we

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shall

shall not be such Geese, as to take his Advice. Let our Ministers aim at no extraordinary and dangerous Powers, and, I'll answer for it, the People will entertain no Jealousies; but when a Minister has, during the whole Course of a long Administration, been aiming at such Powers, and has obtained more than ever any Minister did, it is no Wonder to see Jealousies and Fears arising among the People: It is rather to be wonder'd at, that those Jealousies are not more violent and more general than they are. We have of late Years had many dangerous penal Laws enacted; Laws which seem calculated rather for oppressing the Innocent, than punishing the Guilty. The late Smuggling-Act is a most terrible Law of this Nature. I travel often into a County well known to an honourable Gentleman near me; when I am there, I often walk about with a Gun upon my Shoulder, and with two or three Servants or Companions armed in the same Manner: Upon such Occasions, I confess, I am in some Pain, lest I should be taken up for a Smuggler; I know I might be taken up as such, by Authority of the Law, because I happen to be travelling with Arms, and within five Miles of the Sea Coast, or of some navigable River: Nay, I know I might be condemned and transported as such, in Case one of my Servants should happen, without my Knowledge, to have a Parcel of Tea or Lace in his Pocket, which a Friend of his had desired him to carry to a Neighbour in the Country.

It is true, Sir, no bad Use has as yet been made of that Law; but when we are considering whether or no a Government be arbitrary, we are not to enquire what they do, but what they may do; for whatever they may do, they will do, when they have necessary Occasion for it. The King of France had an Army, and consequently a Power to compel his Parliament to register his Edicts, long before he attempted it. The Parliament of Paris had formerly a Negative in the Passing of Laws, as well as we in this House have; they still pretend to the Right, but now they dare not exercise it; and by Means of our Armies and our penal Laws, this House may soon be brought into the same Circumstances: The Chancellor of the Exchequer, the Attorney General, or the Secretary at War, may bring us a Bill, ready cut and dry'd, from his Majesty, and tell us, the King commands us to pass it. This House, as it is compos'd at present, would, I know, disdain to obey any such Command; but by oppressing our Elections, by means of penal Laws, a Minister may get such a House chosen, as would refuse nothing the Crown could desire, and in that Case, I'm afraid, the Nation would find but little Relief in the other House. Sir, to act with Vigour in our national Capacity, we have no Occasion to entrust our

Ministers

Ministers, with any extraordinary Powers, or with a Multitude of penal Laws. The Nation has often acted with Vigour before these Powers were granted; it has never acted with Vigour since they were granted; nor can it, I believe, ever act with Vigour till many of them are repealed. New and extraordinary Powers, and a Multiplicity of penal Laws, render the People jealous, uneasy, and discontented with their Government; and whilst the People are so, however vigorously our Ministers may act, in oppressing the People at home, and preventing their being able to do themselves Justice, it will not be in their Power to act with Vigour abroad, or against a foreign Enemy: Therefore, the entrusting of our Ministers with new and extraordinary Powers, instead of enabling us, will render it impossible for us to act with Vigour in our national Capacity.

‘ An honourable Gentleman prophesied to us, Sir, that our passing this Clause into a Law would prevent our Government’s being under any Necessity, either to press, or to search for Seamen; because, if our Seamen should see, that they could not, by absconding, avoid being pressed into his Majesty’s Service, they would all come and enter voluntarily. Sir, it is not the first Time that honourable Gentleman and his Friends have appeared to be mistaken in their Prophecies; if they had not, we should have been engaged in no such War as the present; and, I believe, they never found themselves more out in a Prophecy, than they will find themselves in this. Our passing this Clause into a Law, I shall grant, may put an end both to pressing and searching for Seamen; not because our Government will be under no Necessity for doing so, but because it will be in vain for them to do so; for I am convinced, it would in a short Time hunt every Seaman we have out of the Kingdom; and if we had no Seamen left, it would be needless for our Government to search for them, and it would be impossible to press, when there is no Man to be pressed.

‘ Our Seamen, Sir, are already exposed to greater Hardships than our Landmen are: The latter are never pressed into the Army, but cajoled and bribed into the Service; the former are pressed into the Navy on every trifling Occasion. I am sure, I may say so from our Conduct of late; for though we have of late had many a hot Press for Seamen, they have never been sent upon any Expedition, where they could gain Glory or Riches, either to themselves or their Country. If to their former Hardships we add this now proposed, they will all leave us; for a British Sailor will always be a welcome Guest to any Power in Europe. It is impossible, Sir, to amend this Clause so, as to make it good;

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therefore,

therefore, do not let us be wire-drawn by Amendments into the Passing of a Clause which, amend it as you will, must destroy the very End for which it is said to be intended: It is directly the Cucumber; pare it, slice it, squeeze it, put what Ingredients you will to it, yet still it will be fit for nothing but being thrown out at Window."

G.

SIR,

G.

"As I am descended of a Family that has never been deficient in their Duty to their Country, and has, upon former Occasions, taken Arms in Defence of its Liberties and Privileges, I should be sorry if I degenerated so much from the Virtue of my Ancestors, as to approve of any Regulation that might be of dangerous Consequence to the Liberties of my Country; but I am so far from looking upon the Regulation now proposed in this Light, that, I think, not only our Liberties but our Independency as a free Nation will be in the utmost Danger, if it is not agreed to; for if our Government is not enabled to defend us against foreign Attacks, we shall certainly be conquered by the first Nation that is bold enough to invade us.

"I have examined the Clause, and attended to the Debate, I hope, impartially, and I must confess, I can see none of those dangerous Consequences that have been suggested by those who have spoke against the Clause: Our Apprehensions ought all, I think, to be upon the other Side of the Question; for if we do not expose our Houses to the Danger of being searched for absconding Seamen by our own Magistrates and Officers, they will be exposed to the Danger of being plundered by invading Spaniards or Frenchmen. We may prescribe Limits to the former: We may punish them if they exceed those Limits; but the latter we can neither limit nor punish; and surely the Danger of being plundered is of much greater Consequence than the Danger of being searched.

"I wish Gentlemen would judge more candidly of one another's Behaviour: I am afraid, Sir, there are some amongst us who judge from Envy and Resentment. Such Passions will always create Jealousies and Fears, and suggest Apprehensions for which there is not the least Foundation. We ought to behave like Christians towards one another; if we did, we should never judge rashly of the Thoughts or Actions of other Men; but would behave with Meekness, Humility, and Forbearance, which are so necessary for the Preservation of Society, and for keeping up a friendly Intercourse among Men. As I shall always endeavour to follow this Precept, I cannot

cannot suspect those who proposed this Clause of any bad Intention, and if it should hereafter give Rise to any sort of Oppression, it may easily be amended or repealed; therefore to relieve us from the present Necessity, and to prevent the like in Time to come, it ought, I think, to be approved of.

H.

SIR,

It is something surprising, that this Nation should have subsisted free and independent for so many Ages, and yet should now be in such Danger of being conquered by France or Spain, that we must enable our Ministers to conquer us, in order to prevent our being conquered by Foreigners. Is not this, Sir, *ne moriaris, mori*? It may preserve, it may even increase the Independency of our Ministers, because it will render them independent of the People, which they ought never to be; but it will destroy the Liberties of the People; and as we sit here chiefly to preserve the Liberties of the People against the Encroachments and Usurpations of Ministers, how could we answer it to our Constituents? To mine I cou'd say nothing, but only that I had made myself as great a Slave as I had made them: To them, and I believe to most others in England, it would be no Excuse to say, that if we had not done so, we should all have been conquered by France or Spain; for whatever our Ministers and their Friends may pretend, I am sure, the People of Great Britain are under no Apprehensions of their being conquered by either of these two Powers.

Every one knows, Sir, that the Freedom of our Constitution consists principally in the Freedom of our Elections; and the Freedom of our Elections consists in its not being in the Power of a Minister, or any great Man, to hurt an Elector, on Account of his voting contrary to his Orders at any Election. Would this be the Case, if this Clause should be passed into a Law? Might not a Minister, or his Tools the Justices of Peace, harrass a stubborn Elector out of his Life, or at least out of his Business, by sending a Constable and a Press-Gang every Night, or every other Night, to search his House for absconding Seamen? The Interposition of an Affidavit would no way mend the Matter; for when there is no Danger of incurring the Penalties of Perjury, as there could be none in this Case, an Affidavit is easily obtain'd, especially when the Affidavit-Man is sure of being protected, as well as rewarded by a Minister of State. We know what Use has been made of the Power of quartering Soldiers upon Public-houses; we know that Innkeepers, and even Boroughs, have sometimes been made to suffer by that Means,

H.

Means, for their having disobliged ministerial Orders at Elections: This, I am convinced, has been done; it may again be done, without any Possibility of its being proved; because the Act is legal, the Crime consists singly in the Intention, which People may suspect, but cannot prove. This of searching would be attended with the same Convenience to Ministers and their Tools, and the Effect would be much extensive; because quartering of Soldiers is confined to Public-houses; but this of searching for Seamen is to be extended to all Sorts of Houses, even to the Houses of the best Noblemen in the Kingdom.

For my Part, Sir, should we agree to this Clause, I can have no Notion that the other House will: We may, if we please, lay our own Houses open, at all Hours of the Night, to petty Constables and Press Gangs; but I cannot think the Lords will lay their Houses open at such Times, or to such Visitations. They will certainly except the Houses of all Peers and Peereffes; and if the Bill should be returned to us with such an Exception, would you pass it into a Law? I am therefore of Opinion, that if this Clause stands in the Bill, it will occasion the Loss of the Whole; and as I am for the first Clause, which enables the Government to give a Reward of 5*l.* to every Seaman that shall voluntarily enter into his Majesty's Service, I must therefore be against a Clause which, I think, will occasion the Loss of the whole Bill.

But suppose, Sir, I were assured, that the other House would be as complaisant to our Ministers, as some in this seem to be, the Clause is in itself of a Nature so dangerous to our Constitution, that I must be against it: It gives such an extensive Power to Justices of Peace and their Constables, as is repugnant to the Spirit of our Law, and inconsistent with our Constitution. Our Justices of the Peace are generally too apt to favour the Cause of the Crown, rather than that of the Subject: Nay, many of them are but too apt to become the mere Tools of a Minister, and to make use of all the Powers they are invested with according to his Directions. And suppose it were otherwise; suppose they were all inclined to favour the Subject, and Enemies to all manner of Oppression; in this Case they cannot prevent it, where a Minister inclines to oppress: Even with the Amendment proposed they cannot prevent it. They must give the Oath to the Person that comes to inform; they must thereupon grant their Warrant for searching the House informed against; and the Constable must execute the Warrant, even tho' both were fully convinced of the Falseness of the Affidavit, and that it was sworn to with a Design to oppress, or in order to satisfy the Malice and Revenge of a Minister, or perhaps that of the Informer himself.

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‘ I shall admit, Sir, that the Government has a Right to the Service of every Seaman, when the Safety of their Country requires their Service; and I know it has been the Practice to press Seamen upon such Occasions: Whether the Practice be established by Law, I shall not take upon me to determine; but so far I may say, that the Method of Pressing ought never to be practised, except when the Nation is in the most imminent Danger. On such Occasions the King has, I know, a sort of dictatorial Power, and therefore may press Men either for the Land or Sea Service; for I do not think there is by Law any real Difference between the two; and therefore I must think it both against Law and Reason to press Seamen on every trifling Occasion, as has been the Practice of late Years; for from the Year 1718 to the breaking out of the War, I do not think there was ever any just Occasion for a Press, and yet we have had several within that Period. Upon great Occasions indeed, and when the public Safety absolutely requires it, the Government has a Right to the Service of every Seaman in the Kingdom, till his Majesty's Navy be fully supplied; and then I will allow, that every Seaman in the Kingdom, who absconds, is criminal; but surely we are not to take away the Liberty of the Subject in general, for the sake of bringing them to their Duty.’

I.

S I R,

‘ Tho’ I cannot pretend to no more than to resume or enlarge upon some of the Arguments that have already been mentioned in this Debate; yet, as it is a Matter of such Consequence, I think it my Duty to give you my Sentiments upon the Subject; and as the Arguments for and against this Clause may be ranked under two Heads, those that relate to the Benefits that may arise from its being passed into a Law, and those that relate to the Dangers and Inconveniencies we may be exposed to by our agreeing or disagreeing to this Clause, I shall begin with the first. Sir, if there be any Seamen now lurking any where in the British Dominions, and I think it has of all Sides been admitted there are some, this Law will certainly be of great Advantage to our Trade, because it will enable our Government to find out and press the lurking Seamen into the Service of the Navy, and consequently will leave a great Number of Seamen to be employed in the Merchants Service. The Navy, it is certain, must be supplied, even tho’ some Branches of our Trade should be stop’d for a while; what can be more beneficial to our Trade, than that of taking first those Seamen, who now refuse to enter into the Government’s or Merchants Service?

I remem.

I.

‘ I remember, Sir, two Years ago, when War was so much fought after, and so violently insisted on, by almost all Ranks of People, no Man pretended to have any Apprehensions of our Trade’s suffering by the War: Surely it was not then imagined, that our Trade could be carried on in Time of War with the same Ease and Security, as in Time of Peace; for our Trade must suffer by War, let the War be conducted in what Manner it will; yet ever since the War has been declared, every little Inconvenience our Trade lies exposed to has been set in the strongest Light, and clamoured against in the most violent Manner; and now, when a Method is proposed for obviating most of the Inconveniencies our Trade lies exposed to, it is opposed, and represented as a Step to arbitrary Power. Is this candid, Sir? Is it a fair way of treating those, who are entrusted with the Conduct of our public Affairs?

‘ But to return to my Subject, Sir. I have shewn how beneficial this Clause may be to our Trade; and next, with regard to our Seamen, would it not be a great Benefit to our Seamen in general, if all of them were obliged to take their Turn in the Navy, and no Man obliged to serve there longer than his Turn? That this would be the Consequence of the Law now proposed is, I think, apparent; because if the Government had Choice of Seamen, they would certainly chuse those able Seamen that had been longest at home, or longest out of the Government’s Service. Such a Law could be inconvenient to none, but such as refuse to take their Turn in the Government’s Service, and abscond in order to avoid their being pressed into that Service; and as they are allowed to be criminal, the forcing them to their Duty cannot surely be reckoned an Inconvenience to the Public.

‘ Lastly, Sir, with regard to the Prosecution of the War, it would certainly be a great Advantage to us to have Plenty and Choice of Seamen always at the Government’s Command. I cannot say that this would be, so much as I could wish, the Effect of our passing this Clause into a Law, because I do not think we have at present a Stock of Seamen in the Kingdom, sufficient for answering both the Merchants and the Government’s Demand; but we should certainly have a greater Plenty of Seamen, if all of them were within the Government’s Reach, and obliged to enter in one or other of these Services, than when a third, a fourth, or any Part of them are absconding in Country Places, where they can be of no Service either to themselves or their Country; and the greater Plenty of Seamen we have, the more vigorously we shall be able to push the War, which will of course enable us to put a more speedy and honourable End to it than we  
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can do otherwise. This will be another Advantage to our Trade, besides that I have already taken Notice of, and should be a prevailing Argument with every Man that wishes well to his Country, to approve of this Clause.

Now, Sir, with regard to the Dangers that may arise from our agreeing or disagreeing to this Law: As those which may arise from our rejecting this Clause have already been set in a very full and clear Light, I shall only take Notice of a few of those Inconveniencies which, it is suggested, may arise from the Law proposed. Upon this Head we are told, that the Power of breaking open People's Doors, by Night or by Day, will be a most grievous Inconvenience to private Men, and a Power of the most dangerous Consequence to our Constitution. For God's sake, Sir, is this the first Time that ever such a Power was established in this Kingdom? Have not our Constables already such a Power in many Cases, when they have a proper Warrant from a Justice of the Peace? Besides the Case of Felony, they have the Power to break open Doors in search of uncustomed or prohibited Goods, and in the Case of Goods carried off and concealed in defraud of the Landlord for his Rent. Was it ever known, was it ever so much as complained of, that this Power was oppressively used, or that it was turned towards the influencing of Elections? This is therefore a Danger that from Experience appears to be chimerical; and I hope the Manning of his Majesty's Navy will be admitted to be of more Consequence to the Public than the Recovery of any such Goods.

We have been likewise told, Sir, that the establishing of such a Law will be such a Grievance to our Seamen as will frighten them all out of the Kingdom. As to this, Sir, I have already shewn, that it will be a great Advantage to all Seamen who do not abscond, and those, I hope, are the greatest and best Part of our Seamen. But even as to Seamen that do abscond, it could be no such additional Grievance as would force them into foreign Service; for, with regard to the Pressing of Seamen, I must really think, our Law is a little whimsical. A Seaman may be pressed if found on board a Ship: Nay the Ship may be searched for him. He likewise may be pressed if found in the Streets, Highways, or Fields; but if he gets into a House, and gets a Door shut upon himself, he may look out at the Window and laugh at the Press-Gang; therefore to make our Law consist with itself, I think, we ought to give a Power to the Civil Officer to search the House, and even to break open Doors in Case of Non-admittance. This would not be so great a Hardship upon absconding Seamen as the Penalties now inflicted by Law upon absconding Watermen or Bargemen; for if they do not ap-

pear at Watermens Hall when called on, in order to be sent into the Service of the Navy, they are by Law subjected to several Penalties, and yet we do not find, that this Regulation has forced them abroad, or any way lessened their Numbers. From all which I must conclude, Sir, that the Nation will reap great Advantages from this Clause if passed into a Law, without being exposed to any Inconvenience or Danger; and therefore, I hope, it will be agreed to.

K.

S I R,

I am surprized to find Gentlemen express so much Impatience, as some begin to shew in this Debate. I hope no Gentleman comes here with a Resolution to give his Vote upon either Side of any Question that may be started, till he has heard what may be said for or against it; and therefore, in a Question which so nearly concerns the Liberties of our Country, I cannot but be surprized at seeing Gentlemen express an Unwillingness to hear the Argument fully discussed. If they will not be at the Pains to let us hear their Sentiments upon it any other way than by their Aye or Nay, they ought to attend patiently to those that will; for tho' these Monosyllables may determine the Question, I am sure neither of them will ever convince any reasonable Man in the Kingdom.

I have not the Vanity, Sir, to imagine, that what I have to say will have great Weight with the Majority of this Assembly; but, in Duty to my Constituents, I think myself obliged to use my Endeavours, and as a Member of this House, I have a Right to be heard. The Question now before us is not simply, Whether we shall agree to this Clause or no? It is, Whether we shall agree to put an End to our Constitution, and make Slaves of ourselves, our Constituents and Posterity? For this, in my Opinion, will be the certain Consequence of our agreeing to this Clause, however amended. That our Liberties, nay and our Properties too, depend upon the Freedom of our Elections, is a Maxim which, I believe, no Man will contest. A corrupt Parliament may, for a Time, support an oppressive and wicked Minister; but a Parliament is but the Stream, our Elections for Parliament-Men are the Fountain-Head, and as long as they are left free and uncorrupted, the Stream will of course refine, and will at last become as pure as the Fountain from whence it flows. But this Clause, Sir, seems to be contrived for poisoning the Fountain itself, and for rendering all the Elections in the Kingdom dependent upon the Will of every future Minister.

Let us consider, Sir, that the Freedom of a Man's Vote at any Election may be taken away, not only by an immediate

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diate Bribe in ready Money or Bank-Notes, but by the Hopes of being rewarded for his Compliance, or the Fears of being made to suffer for his Stubbornness; and if we consider how much a Minister has it already in his Power to make use of every one of these Methods, we shall be extremely cautious of making any new Additions to that Power. That our Ministers have now a much greater Command of ready Money, than they formerly used to have, can be denied by no Man, who considers the late Increase of the Civil-List Revenue, the great Sums of late Years allow'd even in Time of Peace, for Secret-Service-Money, and the Savings that may be made out of the vast Sums now granted for the current Service. I believe, Sir, it will be as little contested, that our Ministers have now a much greater Number of lucrative Posts and Employments at their Disposal than any foreign Ministers ever had in this Kingdom. These, Sir, are a two-edged Sword in the Hands of a Minister; they serve not only for cultivating the Hopes of the Compliant, but for increasing the Fears of the Stubborn at Elections; and by our late Practice they are now become more useful in both these respects, than ever they were before. It is now become a general and an established Opinion, that no Man is to expect, or to hold any Post or Employment in the Government, unless he, and all those over whom he has any Influence, take Care to vote at every Election according to the Directions of the Minister. What an Effect this must have at all Elections, Gentlemen may easily imagine: If an Elector has any thing mercenary in his Temper, he will certainly vote according to Court-Directions at every Election, in hopes that he, his Son, his Brother, or some near Relation, may get a Post, or a Preferment, in the Service of the Government; and it is a great Hardship upon honest Men, I mean those who vote upon all Occasions according to Conscience, to find themselves excluded from all the Benefits that are to be reaped by serving their Country in a public Capacity. Whether it is so or not, I shall not pretend to say; but I am sure it is generally thought that no Man is now deemed capable to serve his Country, unless he be ready, upon all Occasions, to sacrifice the Liberties of his Country to the Dictates of those, who have the Disposal of our public Employments; and this of itself would in most Countries be sufficient for establishing arbitrary Power.

But, Sir, to the Honour of my Country, I must observe, that here it has been found otherwise. Our People have in their Temper such a laudable Stubbornness, and such a Love of Independency, that in most Places, especially in our Counties, a Majority of them cannot be influenced, either by present Rewards or future Hopes, to give up their Independency

at Elections. If they can but live and follow their Business in a private way, they chuse to forego the Honour and Advantage of serving their Country in a public Capacity, rather than vote according to a Minister's Direction at any Election; and for this Reason divers Methods have been contriv'd, and several Schemes laid, for making it impossible, or at least very troublesome, for a Man to live and follow his Business in a private Way, unless he submits to vote for the Court-Candidate at every Election. This, Sir, has, I am convinced, been, with some Gentlemen, the chief Motive for promoting several of those penal Laws, that are now subsisting; and this leads me to consider the third Method of over-awing Elections, by subjecting the Electors to the fear of suffering by their Stubborness. In a Country where there is a Multitude of penal Laws, and especially when those Laws not only punish but create Crimes, Innocence can be no Protection against the Malice or Revenge of those, who are entrusted with the executive Part of the Government. A Man may, without knowing it, be guilty of a Breach of such intricate Laws; and even when he is guilty of no Breach, he may be plagued and harass'd out of his Life, or at least out of his Business, by the Government's Officers: In such Circumstances, he must not only be a very honest, but a very brave and resolute Man, who will dare to vote at any Election contrary to those Menaces that are whispered to him by the Tools of a Minister; and if we consider what Numbers of Electors are already brought into such Circumstances, by the many penal Laws lately enacted, we shall have more Reason to wonder at any Election's being carried against a Court-Interest, than at the Minister's having the Direction of most of the Elections in the Kingdom.

When our Liberties are in so great Danger; when there is so much Reason to apprehend the Prevalence of a Court-Influence upon every Election in the Kingdom, shall we pass a Law, which will enable a Minister to distress every Man in the Kingdom, that shall dare to disobey his Orders at any Election? I say, Sir, every Man in the Kingdom; for this Law will enable a Minister to distress not only our Seamen, but every Man in the Kingdom, that has a House over his Head. As for our Seamen, they must certainly be absolute Slaves to the Will of every future Minister; or otherwise, let their Rank or Condition be what it will, they must expect to be press'd into his Majesty's Service, and obliged to serve before the Mast. The Pressing of Seamen into his Majesty's Service is, 'tis true, an antient Practice, and a Practice which of late Years has been too often made use of; but it is as yet warranted by no express Statute: It stands singly upon the

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**Footing of Common Law and Prerogative,** therefore this Power must always be exercised at the Peril of the Minister; and if it should be exercised unnecessarily, or in a more oppressive Manner than is necessary, it would be a Misdemeanor, for which the Advisers might be prosecuted and punished in Parliament. Thus, Sir, the Law stands at present; but by this Clause the Practice of Pressing is to be authorised by an express Statute, and that without any Limitation as to the Necessity or Time of Pressing, or as to the Seamen or Seafaring Men that are to be pressed.

Seamen or Seafaring Men, Sir, are such general Words, that they may comprehend a great many Gentlemen, who never dreamt of their being Seamen. When a Gentleman is favoured with his Passage on board any of his Majesty's Ships of War, I have been told, it is usual to put his Name upon the Ship's Books, as a Seaman on board that Ship, and some one of the Officers on board is allowed the Advantage of receiving his Pay: If this Clause should be passed into a Law, every such Gentleman might be pressed into the Service; and if he should deny his being a Seaman, the Books of that Ship would be produced, as an incontestable Proof of his being a Seaman. Besides, Sir, there are many real Seamen, who ought not to be pressed as common Seamen; Commanders, and several other Officers belonging to Merchant-Ships, ought not to be pressed into his Majesty's Service as common Seamen. In like Manner, when a Man has left the Sea Service, and is settled in some good Business at Land, he ought not to be pressed into his Majesty's Sea-Service; but if this Clause be agreed to, we are to authorise Pressing without any Restriction or Limitation; so that not only Seamen in actual Service, but every Man that had been at Sea, or in any Business upon the Water, will be liable to be pressed as common Seamen, and consequently, will be subject to that sort of Court-Influence, which proceeds from the Fear of being made to suffer for any sort of Disobedience to the Will of a Minister; and can we expect, that such Men will vote freely at any Election, where there is an Opposition to the Court-Candidate?

But this, Sir, is not all: Such a Law as this will have a most fatal Effect upon the Freedom of our Elections, not only with regard to all such as are or have ever been at Sea, or in any Business upon the Water, but with regard to every other Man in the Kingdom, that happens to be a House-keeper. Quiet and Security at home is an Advantage, which every Man must desire, and consequently, being disturbed by unwelcome Guests, or at unseasonable Hours, is a Danger which every Man must dread. By this Law you are to put it in the

Power

Power of a Minister to disturb any House-keeper in the Kingdom as often, and at such Hours, as he thinks fit; and consequently every House-keeper in the Kingdom must be under a continual Terror of doing any Thing that may provoke the Minister to make use of this Power against him. The Interposition of an Information upon Oath will be no Restraint upon this Power; because Ministers are generally well provided with Informers of all Kinds, and the more wicked and oppressive a Minister is, the more of this Vermin he always has about him, and the more profligate they are. In my Opinion, it will be so far from diminishing, that it will increase the Danger of this Clause; because Justices are to be not only empowered, but required to grant their Warrant, and Constables are obliged to execute the Warrant of the Justices. If you leave it as it stands at present, the Execution of the Law must be regulated, or at least it ought, I think, to be regulated by the present Practice in the Case of Vagrants. When the Justices grant their Warrant for a general Search after Vagrants, and other idle and disorderly Persons, the Constables are not to search every House in the District; they are to search no where but in Night-Houses, or Houses of ill Repute; and if they should disturb Houses of good Character, by virtue of such a Warrant, they might be prosecuted, and would be punished; and therefore, as this Law now stands, the Constables could, in my Opinion, search no where but in Houses reputed to be Harbourners of absconding Seamen. This, I say, is my Opinion; but if the Clause should be passed into a Law, I shall not say, that my Opinion would be asked or followed, and therefore I do not think we should agree to a Law, which, by too extensive an Interpretation, might be made of the most dangerous Consequence, both to the Liberties of our Country, and to the Property of every Subject.

• But, Sir, if you make the Amendment proposed; if you require the Justice to grant his Warrant upon the Oath of any Informer, you will make the evil Consequences of this Law certain and unavoidable. The Justice must then grant his Warrant, and the House must be search'd, let the Character of the House be never so good, let the Character of the Informer be never so bad. This, Sir, is more than is done even in the Case of Felony; a Justice is empowered to grant his Warrant to search a House upon Information on Oath, that there is Cause to suspect stolen Goods being concealed in that House; but he is not required so to do: He may and ought to refuse granting his Warrant, if the Informer be a mean Person, or one of a bad Character; and if, upon searching, no such Goods be found, the Informer would be made

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answerable for all Damages sustained by such Search : Nay, the Justice himself would be made answerable, if it should appear, that he had granted his Warrant upon the Information of an insufficient Person.

‘ I therefore wish, Sir, that the Honourable Gentlemen employed in drawing up this Bill, had considered a little better the Constitution and the Laws of their Country ; for from the Bill, as it stands at present, the People without Doors will be apt to imagine, they have very little Regard to the Liberties, the Properties, or the Ease of the Subject, provided they can but increase the Power and Influence of the Crown. From what I have said it will, I think, appear, that if we are to authorise Pressing by an express Statute, we should take Care to lay it under several Restraints. It ought never to be allowed, but in Cases of the most extreme Necessity, and when we ourselves, or some of our best Allies, are in the most imminent Danger of being invaded ; for, notwithstanding the Lowness of the Wages in his Majesty’s Service, a common Seaman has so many Advantages in that Service above what he has in the Merchants Service, that, if proper Care be taken to use them well, when they are on board our Ships of War, and not allow the Officers to oppress them, or cheat them of what is their Due, our Government can never be at a Loss for Seamen upon any ordinary Occasion ; and when it has Time to send Sea-Officers about, in the same manner as Land Officers are now sent, with Money in their Pockets to beat up for Volunteers.

‘ In passing such a Law, Sir, we should likewise take Care, that those who are in any superior Station in the Merchants Service, shall not be pressed as common Seamen into his Majesty’s Service ; and that those Seamen who have left off the Sea-Service, and are settled in some good Business at Land, shall not be pressed into his Majesty’s Service at Sea ; for if we establish Pressing by Law, without such Restrictions, it will destroy our very Breed of Seamen, by preventing any Man’s breeding himself to the Sea for the future, and by driving most of the Seamen we now have into foreign Service ; for tho’ they know that in other Countries they must be as much Slaves, as they are in their own, they will nevertheless have this Comfort, that in such Countries they are upon an equal Footing with the rest of the People ; whereas in this Country, if we establish Pressing by Statute, without proper Restrictions, every Seaman, let his future Fortune be never so considerable, must be a Slave to our Ministers, and whilst we have any Liberty left, which, I am afraid, would not be long, they will with Regret look upon themselves as the only Slaves in the Nation.

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But this Bill goes a great deal farther: It not only establishes the arbitrary Method of Pressing, without any Restriction as to the Necessity for making use of that Method, or as to the Circumstances of the Seamen that are to be pressed, but likewise it makes every Seaman a Sort of an Out-law, unless he goes and enters into the Government's Service, as soon as the Press begins: for whosoever harbours a Seaman, that is to say, whoever gives him a Night's Lodging or a Meal's Meat, either gratuitously, upon Trust, or for ready Money, is to be subjected to a Penalty, or at least to a Prosecution, which every prudent Man will avoid as much as he can: This, I say, will be the Case of every Seaman, that does not go and enter into the Government's Service, as soon as a Press begins; for as the Clause is worded, I do not see how he can otherwise with any Certainty avoid the Character of being an absconding Seaman. Would not this be an intolerable Hardship upon our Seamen in general? Would it not, in many Cases, be cruel and inhuman? Would it not be cruel to punish a Mother for concealing a favourite Son? Or a Daughter for concealing her Father? I shall grant, Sir, that, as long as we have any Seamen in the Kingdom, this Bill may properly be called, an Act for the speedier manning his Majesty's Fleet, because it would make it almost impossible for a Seaman to live for two Days after a Press begins, in any Part of his Majesty's Dominions, without entering himself on board his Majesty's Fleet; but how an Act by which our Seamen, and all their Friends and Relations, are subjected to such Hardships, can be called an Act for the Encouragement and Increase of Seamen, is what I cannot comprehend.

In all Constitutions and Regulations of Government there are, there must be some Inconveniences; and the Inconveniences that proceed from Republican Forms of Government are generally made Use of by crafty and ambitious Men, for introducing such Alterations and such new Regulations, as make way for arbitrary Power. When such Men get into the Government of a Commonwealth, they take Care to increase every Inconvenience that proceeds from the Fences of Liberty, in order to introduce new and uncontrollable Powers. Those of weak Understandings, which is often the Majority, are so blinded by the Inconveniences they feel, that they neither see, nor can be made to see the Dangers and Inconveniences that must ensue from the Alterations proposed. It is by this Method that all free Governments have been overturned; and we have every Day more and more Reason to suspect, that some amongst us are practising this Method here. The Frauds of the Customs and Excise have been made a Pretence for introducing several Regula-

tions and Laws of the most dangerous Consequence to Liberty ; and if the late famous Excise Scheme had succeeded, our Liberties had been utterly undone ; because it would have done what, I think, will be the Consequence of the Scheme now under our Consideration : It would have made our Ministers Masters of every popular Election in the Kingdom. Instead of lowering our Duties, and correcting the Neglects and Abuses of our Custom House and Excise Officers, which would have been the proper, and I believe an effectual Method for preventing Smuggling, almost every Session has produced some new Scheme for increasing the Powers of those Officers ; and I am afraid, their Neglects and Abuses have been connived at, in order to increase the Inconveniences we feel from Smuggling, that those Inconveniencies might afterwards be made a Pretence for vesting some new dangerous Power in our Government.

Upon this Subject, Sir, I cannot let pass unobserved the late famous Gin Act. By the established Laws of the Land, before that Act was passed or thought of, no Person could sell Beer, Ale, or spirituous Liquors by Retail, without a Licence from the Justices of Peace : The Justices had a Power to refuse granting their Licence, or to recal it when they pleased ; and if any one sold such Liquors without a Licence, he was by Law made liable to severe Penalties. Besides this, there were severe Laws against all such as allowed Drunkenness or Tipling in their Houses ; and moreover, there were several of our Gin-shops that might, I believe, have been indicted as a public Nuisance. By a Neglect of all these Remedies, Tipling and Drunkenness in Gin-shops and Ale-houses came to a monstrous Height, and was generally complained of, and often presented by our Grand Inquest without any Redress, because our Justices of Peace, who are entirely under the Direction of our Ministers, would not put the Laws in Execution against these Enormities. At last, when the People were work'd up to a sufficient Rage against these Enormities, we were told that the Laws in being were not sufficient for preventing them ; and tho' every one that understood the Law knew the contrary, we were prevailed on to agree to a new Law, by which a very great Addition was made to the Civil-List-Revenue, and every Vintner, Inn-keeper, Ale-house-keeper, Victualler, Coffee house, and Brandy-shop in the Kingdom, brought under a most slavish Dependence upon our Justices of the Peace and Commissioners of Excise.

That these were the Effects of the Gin-Act must be apparent, Sir, to every one who considers, that the great Increase of the Civil-List-Revenue, pretended to arise from its Share of the Duties upon spirituous Liquors, was owing to the

the Enormities complained of, which were, perhaps, for that very Reason indulged; and for the same Reason perhaps it was pretended, that no Stop could be put to them by the Laws in being, because if a Stop had been put to them that way, the Increase which had arose to the Civil-List Revenue, by indulging those Enormities, would have been annihilated, without any Recompence from the Aggregate Fund. And if we consider the Necessity every Keeper of a Public-House lies under, for selling spirituous Liquors in small Quantities to his Customers, the high Penalties he is by that Act subjected to, if he does so, and the Power given to the Commissioners of Excise and Justices of the Peace, to mitigate those Penalties, we may see, that the Keeper of every Public-House must be under a slavish Dependence upon our Commissioners of Excise and Justices of the Peace; and consequently that he must expect to be ruined, should he give his Vote against a Court-Candidate at any Election.

‘ Thus we may see, Sir, that, from all the Inconveniences that arose either from a Deficiency in our Laws, or from a Neglect in the Execution of them, an Advantage is taken for introducing some new Regulation by which the Power and Influence of the Crown may be increased. This has so constantly in all Ages been the Practice of our Ministers, that one may from thence conclude, that every Man, as soon as he becomes a Minister, or as he calls himself a Servant of the Crown, begins to think himself in Duty bound to use every Art he can think of for destroying the Liberties of the Subject. This, I say, seems to have been the way of thinking among Ministers in all Ages, and, I am sure, in no Age more apparently than in this. Shall we then, upon this or any other Occasion, throw aside our Jealousies and Fears? Shall we put a Trust in those, who by their Practices have given us so good Reason to be convinced of their having a Design to betray us? If we are under any present Inconveniences, if we are under any present Difficulties, with regard to the Manning of our Fleet, let us examine whether they proceed from the Neglect or Misconduct of those concerned in the executive Part of our Government, or from any real Defect in our Constitution. If from the former, let us remove those who have run us into such Difficulties; and if from the latter, let us consider our Constitution, and apply those Remedies which are most consistent with its Security and Preservation; but do not let us plunge into the Pit which our Enemies have dug for us on one hand, for Fear of tumbling over the imaginary Precipice which they frighten us with on the other.

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‘ I am far from thinking, we can be under any Difficulty in manning all the Ships we can have Occasion for in the present War ; but suppose we were, there are many other Remedies besides that now proposed. Let us give farther Encouragements for foreign Seamen to enter into our Service: Let us call upon our Alliances for Assistance: Let us hire the Ships of other Nations. We have now foreign Troops in our Pay, tho’ we have no War, nor are like to have any War upon the Continent. Why do we not hire foreign Ships instead of foreign Troops? If we are under the Difficulties suggested, we have Occasion for the former, but we can have no Occasion for the latter. Surely this Nation is not yet reduced to such melancholy Circumstances, that we must either have no Allies, or accept of them upon such Terms as they themselves may be pleased to prescribe. The Remedy now under our Consideration is the very worst that could be thought of: It is publishing our Distress to the World, and giving our Enemies just Cause to triumph over us. If the French or Spaniards owed us a Grudge, they could in no way so effectually punish us, as by forcing us to destroy our Constitution and give up our Liberties, for the sake of defending ourselves against them. Our passing such a Bill would give great Joy to every Frenchman or Spaniard that understands any thing of our Constitution, and, as I am against making a Holy-Day either in France or Spain, I must be against agreeing to this Clause.’

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SIR,

‘ Far be it from me to blame Gentlemen for being jealous of the Liberties of their Country, and cautious of agreeing to any thing that may look like an Encroachment upon our Constitution. This in general I shall always think laudable, but still, I must think, it may be pushed too far, and when it is so, it will always be of infinite Prejudice to the Nation ; therefore, Gentlemen should as cautiously avoid opposing those Powers that are absolutely necessary for the Exercise of Government, as they should avoid going rashly into the giving of any Power that is unnecessary and dangerous. No human Contrivance can form a Government or System of Laws so perfect as to stand in need of no Addition, Alteration, or Amendment: Future Events make the Imperfections appear ; and as they appear, Care must be taken to remedy them by new Regulations. This is our Case at present, and if the Regulation proposed be absolutely necessary for the Safety of the People, we must agree to it, even tho’ it should be attended with some Danger to the Liberties of the

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Whole or a Part of the People: but I hope to be able to shew, that it can be attended with no Danger; and that the Manning of our Navy is absolutely necessary for the Safety of the Nation has, I think, been acknowledged by every one that has spoke in this Debate.

The two chief Objections made to this Regulation are, that it will be of dangerous Consequence to the Freedom of our Elections, and that it will be such a Hardship upon our Seamen, as will force them into foreign Service, and prevent Men from breeding themselves to the Sea for the future. I shall first consider the last of these two Objections, and in order to shew, that the Regulation now proposed will be no Hardship upon our Seamen, I shall beg Leave to explain the Condition they are now in, and the little Alteration that is to be made in their Circumstances by this Regulation. The Power of pressing Seamen into his Majesty's Service, however much it may be doubted of by those who have not examined our ancient Records, is a Power that has been vested in our Government, I believe, ever since our Constitution had a Being. We have mentioned in some of our Law Books a Statute made in the Reign of Richard the First, for making some new Regulations with regard to Ships and Seamen pressed into the King's Service, which shews, that Pressing was customary before that Time, and that it was then thought to be legal; and in the famous Inquisition of Queenborough, in the Reign of Edward the Third, it is expressly given in Charge to the Inquest among other Things, to enquire of those Mariners that were pressed for the King's Service, and deserted the same. I could mention several other Records to shew, that this Power of pressing Seamen into the King's Service has always been deemed legal, and has in all Times been looked on as a Part of the Common Law of England: Nay, it may even be said to be established by Statute; for in the Reign of Philip and Mary, a Statute was made, by which it was enacted, That Watermen who withdraw themselves in time of Pressing, shall suffer a Fortnight's Imprisonment, and be prohibited to row any more upon the Thames for a Year and a Day after: By an Act of the second of Queen Anne, a certain Allowance of able Seamen is established for Ships in the Coal-Trade; and it is enacted, That if any Officer impress any of the Men so allowed, he shall forfeit 10*l.* for every Man so pressed, besides Costs of Suit: And by another Act of the same Reign, it is declared, That no Person of eighteen Years of Age shall be exempted from her Majesty's Service, on Account of his being an Apprentice, who shall have been in Sea-Service before he bound himself Apprentice; and farther, it is by the same Law enacted, That such Watermen,

men, Bargemen and Lightermen, as shall not appear, when called on by the Watermens Company, to be sent to her Majesty's Fleet, shall suffer one Month's Imprisonment, and be disabled working on the Thames for two Years.

Thus it appears, Sir, that the Power of Pressing is by Implication strongly established by Statute; and the Reason of its not being expressly established, was certainly because it was always deemed to be so expressly established by Common Law, that it was unnecessary to establish it in express Words by any Statute. Having thus shewn, that the Power of Pressing is established both by the Common and Statute Law of this Kingdom, I shall not examine the Custom, which in all such Cases explain the Law; and it is certain, that the Custom has always been, not only to press Seamen out of Merchant-Ships, but also to search the Ship for such as abscond or conceal themselves on board. These, Sir, are the Circumstances our Seamen are in at present; these are the Circumstances they have always been in: They may be pressed at Land, if they are found in the Streets or Highways, or in any House where an Officer can have Access to them; they may be pressed from on board a Ship, and the Ship may be searched by an Officer and Press-Gang, in order to come at those who conceal themselves on board. What then is the great additional Power desired? What is the great Alteration to be made in a Seaman's Circumstance, by this Clause? It is no more than this, that a Seaman who absconds from his Duty may be searched for in a House, as well as on Ship-board, with this material Difference, that a Ship may be searched for him without the Assistance of any Civil Officer; but a House is not to be searched without the Assistance of a Civil Officer.

Is this, Sir, such an additional Hardship upon our Seamen, as will force them into foreign Service, or prevent Men from breeding themselves up to the Sea for the future? Is it such an additional Power to the Crown, as will destroy the Freedom of our Elections? I am really surprized, Sir, to hear such imaginary Dangers suggested. By the Law, as it stands at present, the Crown, as I have shewn, has a Power to press any Seamen into the Service, and may exercise that Power against any one in the Character of a common Seaman, unless he makes himself a close Prisoner in some House; yet we know by Experience, that Seamen are as little under the Influence of the Crown, or of any Minister, with regard to their voting at Elections, as any other Part of his Majesty's Subjects; and the Reason is very plain, a Seaman may very easily prevent his being pressed, by entering himself on board some of our Ships of War, as soon as a Press is like to begin; and

and if he does his Duty on board, no Minister, nor even the Captain under whose Command he is, can inflict any Punishment upon him, or subject him to any Hardship, on Account of his not voting according to his Direction at an Election. Thus the Case has always stood, with regard to the Danger of being pressed; and as the Danger of being searched for may be avoided in the same Manner, therefore we cannot suppose it will have any Effect upon the Freedom of our Seamen's voting at Elections.

• As to the Terms Seamen and Seafaring Men, it is true, Sir, they are general; but, I think, they are easily understood, and have been sufficiently explained by Custom; for no Man is supposed to be a Seaman or Seafaring Man, unless he is, or has within a few Years been in actual Service at Sea, as a common Seaman; and none but such have ever been, or could, I think, should this Clause pass into a Law, be pressed as common Seamen into his Majesty's Service: Therefore, Masters and Mates of Merchant Ships, or Seamen that are or may be settled in some good Business at Land, can be brought into no Danger, nor under any Influence, by this Clause; and consequently, with regard to Seamen of all Ranks and Degrees, it can no way encroach upon the Freedom of our Elections, or any way endanger the Liberties of the Subject.

• I come now, Sir, to the other Part of the Objection, which relates to the Influence which the Power of searching for Seamen may have upon House-keepers that are not Seamen; and here in general I must observe, that there is not any one Power the Crown is, or can be invested with, but what might be made inconvenient even to the most innocent, if those who have the Exercise of it should presume to make a bad Use of it, and our Judges should connive at their Presumption; but in all Cases, these two Causes must concur, before the Exercise of any Power can produce such an Effect; for when any Power is given by the Legislature for a good Purpose, it is the Business and the Duty of our Judges to prevent its being turned into a bad Purpose, by punishing every Magistrate or Officer that shall be guilty of such a high Presumption. Therefore, whilst those employed in the executive Part of our Government act regularly, or our Judges decree justly, our Liberties can never be in Danger from any Power lodged by the Legislature in the Crown, for the necessary Ends of Government; and if all our Officers should become tyrannical, and our Judges corrupt, I do not see how it would be possible to preserve either our Liberties or Properties, any other way than by a general Insurrection; even tho' the Crown had not near so many Prerogatives, or so much Power, as it hath at present.

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‘ If the Crown, Sir, had never, in any Instance before, been possessed of a Power to search Houses by Night or by Day, there might be some Room for being cautious of granting the Power now desired; but such a Power the Crown, or at least the Judges and Magistrates appointed by the Crown, have in many Cases been possessed of; ever since our Constitution had a Being. As several of these Cases have been mentioned by my honourable and learned Friend, I need not repeat them; but one which he did not mention, I cannot omit taking notice of, which is that of arresting the King’s Debtor; for upon a Process at the King’s Suit against any Person who is his Debtor, the Sheriff or his Officer may break open any House in Search of him, after he has signified his Errand to the Owner, and has been refused Admittance. If it were possible to turn any such Power towards influencing Elections, surely it would be much more easy in this Case to turn it to that Purpose, than in the Case now before us. The Sheriff is a Magistrate appointed by the Crown, as well as our Justices of Peace; and Sheriffs Officers, I believe, are generally Men of no better Character than petty Constables. Besides, it is a Pretence that might be much oftener made use of; for to search Houses for Seamen can never be pretended, but in Time of a hot Press, and after the Lord High Admiral, or Commissioners of the Admiralty, have issued their Warrants for that Purpose, which they cannot do but upon extraordinary Occasions, and such as happen but very rarely.

‘ Therefore, Sir, if we are to judge from Experience in other Cases, which is certainly one of the surest ways of judging in all Matters of a political Nature, we must conclude, that the Power of searching Houses, in the Case now before us, can be of no bad Consequence to the Freedom of our Elections, or inconvenient to any Man in the Kingdom, except to those Seamen that abscond in Time of Danger from their Country’s Service, and to such as render themselves suspected of harbouring and concealing such Seamen; and surely the Public is more interested in having his Majesty’s Fleet manned in Time of Danger, than in its having the Debts due to his Majesty paid, or his Debtors arrested.

‘ Thus, I hope, Sir, I have shewn, that there is nothing in either of the two chief Objections that have been made against this Clause; and as the Navy is not yet sufficiently provided with Seamen, after trying Embargoes, Pressing, and every other Method that could be thought of, it is absolutely necessary to contrive some new Method for supplying the Deficiency. The encouraging of foreign Seamen to enter into our Service, or the hiring of foreign Ships, are Methods which cannot be trusted to; and they are Methods which I shall

shall never be for making use of, as long as we can have Ships or Seamen of our own, not only because we cannot rely so much upon the Courage and Fidelity of foreign Seamen as upon our own, but also because it would tend to the increasing of the naval Power of some foreign Neighbour, who may some Time hereafter be our Enemy. Therefore, as the Method now proposed is the best I have yet heard of, I must be for it till I hear some better offered; and if Gentlemen think the Amendment proposed would be more dangerous than the Clause as it now stands, they may either reject the Amendment, or they may leave out the Word *require*, and only empower Justices of the Peace to grant their Warrant for searching any House upon an Information on Oath, by some creditable Person, that there is Cause to suspect Seamen being concealed in the House.

As for that Part of the Clause which is to inflict Penalties upon those who shall harbour or conceal absconding Seamen, it can affect none but such as knowingly do so, and such, I must think, deserve highly to be punished. A Seaman who absconds, when his Country is in Danger, and stands in need of his Assistance, I must suppose to be as heinous a Traitor, as any that can be declared so by Law; and therefore, I think, he ought to be treated with as much Rigour as any Traitor whatsoever; for which Reason, I can neither think it cruel nor inhuman to punish a Mother for concealing her Son, or a Daughter for concealing her Father: It is what is usually done in Cases of Treason; it is absolutely necessary for the Safety of the Commonwealth; for if any merciful Allowance is in such Cases to be made to human Weakness, it ought to be left to his Majesty, as other Acts of Mercy are, that he may in his Royal Wisdom dispense it, or refuse it, according to the Circumstances of the Case, and the Merits of the Persons that sue for it.

I am sorry, Sir, to find that we are in such Distress as we are at present, for want of Seamen: I wish it were otherwise; I wish we had, in Time of Peace, thought of Methods for preventing it; and I shall acknowledge, it might have been foreseen: I believe it was foreseen by our Ministers; but as popular Assemblies are not generally very good at foreseeing distant Dangers, and not easily perswaded to take proper Measures for preventing them, especially when the Measures are such, as must put them to an immediate Expence, our Ministers would not venture to propose any such Measures, because they despaired of meeting with Success. This, I believe, was the true Reason of their neglecting to do so, and not their Desire to keep up a more numerous standing Army than was necessary; for I think it was happy for us,

us, that we kept up in Time of Peace such a Number of regular Troops as we did, because if we had not, we must have made greater Levies for the Land Service at the Beginning of this War than we did, and this would have distressed us still more, with regard to the Sea Service, than we are at present. But suppose our Distress to be owing to some Neglect or Misconduct in our Ministers, will our removing or punishing them relieve us from that Distress? Or will our agreeing to what is now proposed interrupt our Enquiry into their Conduct, or prevent our being able to remove or punish them?

The Bill now proposed, the very Proposition, Sir, even tho' it should be rejected, will publish our Distress to our Enemies; but I had rather they should hear of our Distress by our agreeing to such a Bill, than that they should become sensible of it by the Success of their Privateers against our Merchants, or by the Success of their Squadrons against the Squadrons of this Nation. Whatever Distress our Enemies may suppose us to be in, they can expect no good to themselves from our passing this Bill; because we passed a Bill of the same Nature in the late glorious War in Queen Anne's Time, when we were so successful both by Land and Sea. It will only convince them, that we are resolved to exert our whole Strength against them, and the Terror of this will, I hope, soon bring them to Reason.

Sir John Hynd Cotton.

SIR,

I have observed of late Years, that there is a Party of Men in this Kingdom, who, upon all Occasions, declare themselves for an Enquiry into the Conduct of our Ministers, and for punishing them, if they should be found to deserve it; yet they oppose every previous Step that is necessary for entering upon an Enquiry; and if it were set on Foot, I believe, they would oppose every thing that might tend towards rendering it effectual. The same Party of Men, Sir, always declare, that we ought to be jealous of our Liberties, and cautious of granting any Power that may contribute to their Overthrow; yet they are always ready to approve of every thing proposed by the Court, and to think every Power necessary for the Exercise of Government which our Ministers declare to be so. I hope, there are none of this Party in this Assembly; for every Gentleman here has, I hope, too much Honour as to be sincere in every thing he professes. I must acknowledge, Sir, that I am, and, I hope, always shall be truly jealous of every new Power that is, or can be asked by Ministers: Whether I push this Jealousy too far upon the present Occasion, I must leave to the House to judge;

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but I must declare that, in my Opinion, the Power now desired never can be necessary, that it is far from being necessary upon the present Occasion, that it would be of the most dangerous Consequence to our Constitution, and that it would at last destroy the very End for which it is said to be desired.

‘ That I may regularly follow the honourable and learned Gentleman, I shall begin with the last. He has been pleased, Sir, to shew, what a hard Condition our Seamen are in by the Laws as they now stand; and, says he, the adding but one Hardship more can no way discourage our Seamen, or lessen the Breed of that useful Body of Men. Sir, when a Rope is stretched to its utmost Length, if you attempt to stretch it but one Inch further, it breaks. He was likewise pleased to dip into our antient Records, in order to shew what has not, I think, been denied in this Debate. That, upon great and sudden Emergencies, the King has, by his Prerogative, a Power to press Seamen into his Service, is what no Gentleman denies; but every Gentleman must grant, that this Prerogative ought not to be made use of upon every trifling Occasion; and that when it is made use of, it ought to be with as much Lenity as possible, and it ought to be accompanied with as many Encouragements as it is in the Power of the Government to bestow. In the Exercise of this Prerogative, perhaps the Custom may have been to search Ships for Seamen who conceal’d themselves on board; but I doubt much whether an Officer with a Press-Gang has by Law a Power to break open the Doors or Hatches of a Ship, in case the Master should refuse to open them, especially when the Ship happens to be in any River or Port which is not within the Jurisdiction of the Admiralty. But whatever may be the Law in this Case, we know that our Seamen are already subject to many Hardships which the rest of the People are free from; and therefore, when we are contriving a Bill for the Encouragement and Increase of Seamen, we ought not surely to heap new Hardships upon them, because, whether those Hardships be insufferable or no, is a Question that is not to be determined by the Opinion of this House, and much less by the Opinion of our learned Gentlemen of the long Robe, but by the Opinion of our Seamen and other People without Doors; for if they think them insufferable, they will certainly endeavour to avoid them, our Seamen by running into foreign Service, and the rest of our People by taking Care not to breed themselves or their Children to any sort of Sea-Service.

‘ As to the Meaning that has been, or may be put upon the Words Seaman or Seafaring Man, I shall not pretend to determine; but this I am well assured of, Sir, that Mates of Mer-

Merchant Ships, and Seamen settled in Business at Land, have been sometimes pressed into his Majesty's Service; and if we should expressly authorise pressing by Statute, I do not know but a Liberty might be taken to press the Captains or Masters of coasting or trading Vessels, and even such Seamen or Sea-Captains as had acquired or succeeded to a Land-Estate, and thought themselves settled in an easy Manner for the remaining Part of their Lives. Even in the late Queen's Time, when an Act of this Nature was passed for one Year, it was thought necessary to restrain the meaning of the Word Seamen, to such as had been in Service in her Majesty's Reign, which was then in its fourth Year only. From hence, I think, it is evident, that if we intend to authorise pressing by an express Statute, we ought to make several Exceptions and Regulations, in order to prevent its being a most intolerable Oppression upon many of his Majesty's best Subjects; and we ought to take Care, that common Seamen returning from a Voyage shall have an Opportunity to offer themselves as Volunteers, and that no Seaman shall be rejected as a Volunteer, and accepted of as a pressed Man, in order to entitle the Officer to a Reward for pressing him.

Now, Sir, with regard to the Influence this Bill may have upon our Elections, I am really surprized to hear Gentlemen pretend, that our Seamen vote as freely as any other Sort of Men in the Kingdom. Most of the Boroughs upon our Coast are a convincing Proof of the contrary. Are not many of these Boroughs now called Admiralty-Boroughs, because they always return such Representatives as the Board of Admiralty pleases to direct? The very Nature of Things is a demonstrative Proof, that Seamen must be under the Influence of the Admiralty-Board in Elections; for, let a Seaman be never so exact in the Performance of his Duty, his Commander may subject him to many Hardships and Inconveniences on board, if he has or is ordered to have a Pique at him upon any other Account. Besides, all Seamen, while they are on board, hope to be preferred in the Navy, and will of course take every Method they can think of for recommending themselves to the Government. Even Seamen that are settled on Shore, must be under the Influence of the Admiralty at Elections, otherwise they may depend upon being pressed as soon as an Opportunity offers, and of being hardly used, whilst they are in the Government's Service. They have no way to avoid this, but by leaving their Business and absconding, and even this melancholy Resource you are now about to take away from them: Therefore, if this Bill should pass, we must suppose, that all Seamen, be they where they will, let their Circumstances be what they will, must for the future be

the absolute Slaves of a Minister, and must vote at all Elections, as he shall be pleased to direct.

Then with regard to the rest of the Subjects who have not the Misfortune to be Seamen, is it not a terrible Thing for a Man to be in continual Danger of having his House laid open to a petty Constable and a Press-Gang, by Day or by Night? Besides the Inconvenience of being disturbed, he must never stir from home, or if he does, he must not take the Key of any Closet along with him; because a Press-Gang may come and break it open before he returns. The Power of searching for the King's Debtors is, I shall grant, a dangerous Power, and might be made a very bad Use of; but I must observe, that this Power was introduced, when Sheriffs were not named by the Crown, but chosen by the respective Counties; and tho' Sheriffs Officers are seldom Men of any great Character, they are more to be trusted to than petty Constables, because the former give Security to the Sheriff for the due Execution of their Office, and the Sheriff himself is answerable for their Behaviour; whereas petty Constables give no Security, nor is any Justice of the Peace answerable for the Damages they may occasion. I could shew, that the Power now desir'd is, on several other Accounts, more dangerous than the Power of searching for the King's Debtors; but suppose it were not, is one dangerous Power any Argument for granting another of the same Nature? If the Power already granted has never been made a bad Use of, the granting another of the same Nature might be the Cause of both's being made a bad Use of in Time to come; because an Effect may be produced by making a bad Use of both, which could never have been hoped for by making a bad Use of one. The Hopes of Impunity is what occasions a Power's being made a bad Use of; and that Impunity may be secured by making a bad Use of two Powers, which could never have been expected from making a bad Use of one.

This, Sir, is the great Danger, and it is not easy to determine, where our Security ends, and where the Danger begins. One Thing, however, is certain, that if we go on thus yearly putting new Powers into the Hands of our Ministers, the Danger will become not only unavoidable but irretrievable. Our Officers will be regular, our Judges will be just, as long as they are in Danger of being called to an Account by Parliament, if they act otherwise. If we put it once in their Power to guard against this Danger, they will act here as they do in all other arbitrary Governments; and this will be the certain Consequence, if we put it in the Power of our Ministers to over-awe or influence the Majority of our Elections,

lections. It is by having our Parliaments always dependent upon our Ministers, and by this Method only, we can be reduced to the lamentable Circumstances of having no Remedy but a general Insurrection, against the Injustice of our Judges, and Oppression of our Officers ; and such Parliaments will certainly provide our Ministers with an Army sufficient to protect them against an Insurrection of the People ; so that we can then never expect any Redress but by a Mutiny in our Army, and by that, as in Turkey, we may see a Change in the Persons of our Oppressors, but can expect no Relief from Oppression.

‘ Thus, Sir, I think, it is apparent, that this Power, added to all the Powers our Ministers are already possessed of, will be of the most dangerous Consequence to our Constitution ; and, considering how long our Government has subsisted without it, I am surprized to hear any Gentleman pretend, that it is now absolutely necessary for the Exercise of Government. If Seamen are now more unwilling to enter into the Government’s Service than they were formerly, it must be owing to some late Misconduct in our Ministers ; and therefore, the best Encouragement we can propose for our Seamen is, to remove those that have disoblged them. The learned Gentleman says, our agreeing to this Clause can no way prevent our being able to remove any Minister. Is not this, Sir, begging the Question ? If it adds to a Minister’s Influence at Elections, will it not tend to prevent its being in the Nation’s Power to remove him by any sort of Parliamentary Method ? Let us consider, Sir, that this is the very last Session of a Septennial Parliament, and that a new Septennial Parliament is next Summer to be chosen ; and then we may perhaps see, why such a Power is desired at this critical Conjunction.

‘ For my Part, Sir, I have not heard one Argument made use of for shewing, that this Power is necessary at all, and much less that it is necessary upon the present Occasion : I say, I have not heard one Argument for this Purpose, but one drawn from a News-Paper, by a Gentleman no way concerned in the Admiralty. From that News-Paper, indeed, he has endeavoured to frighten us with an Invasion, and to make us believe, that if we do not make a Surrender of our Liberties to our Ministers, the French and Spaniards will come and take them from us ; but, as he confessed, he knew nothing of the Matter, and as those who ought to know, have not been pleased to declare, that we are in any real Danger, I shall not be such a Child, as to be frighten’d out of my Senses by such an imaginary Bugbear.’

M.

M.

SIR,

M.

• The two honourable and learned Gentlemen who spoke in favour of this Clause, were pleased to shew, that our Seamen are half Slaves already, and now they modestly desire, you should make them wholly so. Will this increase your Number of Seamen? Or will it make those you have, more willing to serve you? Can you expect, that any Man will make himself a Slave if he can avoid it? Can you expect, that any Man will breed his Child up to be a Slave? Can you expect, that Seamen will venture their Lives or their Limbs for a Country that has made them Slaves? Or can you expect, that any Seaman will stay in the Country, if he can by any Means make his Escape? Sir, if you pass this Law, you, in my Opinion, do with your Seamen, as they do with their Galley-Slaves in France; you must chain them to their Ship, or chain them in Couples, when they are ashore. But suppose this should both increase the Number of your Seamen, and render them more willing to serve you, it will render them incapable. It is a common Observation, that when a Man becomes a Slave, he loses half his Virtue. What will it signify to have your Ships all mann'd to their full Compliment? Your Men will neither have Courage nor a Temptation to fight; they will strike to the first Enemy that attacks them, because their Condition cannot be made worse by a Surrender. Our Seamen have always been famous for a matchless Alacrity and Intrepidity in Time of Danger: This has saved many a British Ship, when other Seamen would have run below Deck, and left the Ship to the Mercy of the Waves, or perhaps a more cruel Enemy, a Pirate. For God-sake, Sir, let us not by our new Projects put our Seamen into such a Condition as must soon make them worse than the cowardly Slaves of France or Spain.

• The learned Gentlemen were next pleased to shew us, that the Government was already possessed of such a Power as is now desired; and how did they shew it? Why, Sir, by shewing that this was the Practice in the Case of Felony, and in the Case of those who are as bad as Felons, I mean those who rob the Public, or dissipate the public Money. Shall we, Sir, put our brave Sailors upon the same Footing with Felons and public Robbers? Shall a brave, honest Sailor be treated as a Felon, for no other Reason, but because, after a long Voyage, he has a mind to solace himself amongst his Friends in the Country, and for that Purpose absconds for a few Weeks, in order to prevent his being pressed upon a Spithead

Spithead or some such pacific Expedition ? For I dare answer for it, there is not a Sailor in Britain, but would immediately offer his Service, if he thought his Country in any real Danger, or expected to be sent upon an Expedition, where he might have a Chance of gaining Riches to himself, and Glory to his Country. I am really ashamed, Sir, to hear such Arguments made use of in any Case, where our Seamen are concerned. Can we expect, that brave Men will not resent such Treatment ? Could we expect, they would stay with us, if we should make a Law for treating them in such a contemptible Manner ?

But suppose, Sir, we had no Regard for our Seamen, I hope we shall have some Regard for the rest of the People, and for ourselves in particular ; for, I think, I do not in the least exaggerate, when I say, we are laying a Trap for the Lives of all the Men of Spirit in the Nation. Whether the Law, when made, is to be carried into Execution, I do not know ; but, if it is, we are laying a Snare for our Lives. Every Gentleman of this House must be supposed, I hope, justly, to be a Man of Spirit. Would any of you Gentlemen allow this Law to be executed in its full Extent ? If at Midnight a petty Constable with a Press-Gang should come thundering at the Gates of your House in the Country, and should tell you he had a Search-Warrant, and must search your House for Seamen, would you, at that Time of Night, allow your Gates to be opened ? I protest, I would not : What then would be the Consequence ? He has by this Law a Power to break them open. Would any of you patiently submit to such an Indignity ? Would not you fire upon him, if he attempted to break open your Gates ? I declare, I would, let the Consequence be never so fatal ; and, if you happened to be in the bad Graces of a Minister, the Consequence would be, either your being killed in the Fray, or hanged for killing the Constable, or some of the Gang. This, Sir, may be the Case, even of some of us here, and, upon my Honour, I do not think it an Exaggeration to suppose it may.

The honourable Gentlemen say, no other Remedy has been propos'd. Sir, there have been several other Remedies propos'd. Let us go into a Committee to consider of what has been, or may be proposed. Suppose no Remedy should be offered, to tell us we must take this, because no other Remedy can be thought of, is the same with a Physician's telling his Patient, Sir, there is no known Remedy for your Distemper, therefore you shall take Poison ; I'll cram it down you Throat. I do not know how the Nation may treat its

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Physicians; but, I am sure, if my Physician told me so, I should order my Servants to turn him out of Doors.

‘ Such desperate Remedies, Sir, are never to be apply’d but in Cases of the utmost Extremity; and how we come at present to be in such Extremity, I cannot comprehend. In Queen *Elizabeth’s* Time, we were not thought to be in any such Extremity, tho’ we were then threatned with the most formidable Invasion that was ever prepared against this Nation. In our Wars with the Dutch, a more formidable maritime Power than *France* and *Spain* now are, if they were united against us, we were not supposed to be in any such Extremity, either in the Time of the Commonwealth, or in King *Charles II’s* Time. In King *William’s* War against *France*, when their naval Power was vastly superior to what it is at present, and when we had more Reason to be afraid of an Invasion than we can have at present, we were thought to be in no such Extremity. In Queen *Anne’s* Time, when we were engaged in a War both against *France* and *Spain*, and were obliged to make great Levies yearly for the Land Service, no such Remedy was ever thought of but for one Year only, and then it was found to be far from being effectual.

‘ This, Sir, I am convinced, would be the Case now, as well as it was then. It was at that time computed, that by means of such a Law as this, there were not above 1400 Seamen brought into the Government’s Service; and, considering the Methods that have been already taken, and the Reward promised by this Bill to be offered to Volunteers, I am convinced, that the most strict and general Search would not bring in half the Number. Shall we then for the sake of adding 6 or 700, or even 1400 Seamen to his Majesty’s Navy, expose our Constitution to so much Danger, and every House-keeper in the Kingdom to the Danger of being disturbed at all Hours in the Night?

‘ But suppose this Law were to have a great Effect, it can be called nothing but a temporary Expedient; because it can no way contribute towards increasing the Number of our Seamen, or towards rendering them more willing to enter into his Majesty’s Service. It is an Observation made by *Bacon* upon the Laws passed in *Henry the VIIth’s* Reign, That all of them were calculated for Futurity as well as the present Time. This shewed the Wisdom of his Councils: I wish I could say so of our present. We have for some Years thought of nothing but Expedients for getting rid of some present Inconvenience, by running ourselves into a greater. The Ease or Convenience of Posterity was never less thought of, I believe, than it has been of late Years.

I wish

I wish I could see an End of these temporary Expedients; for we have been pursuing them so long, that we have almost undone our Country, and overturned our Constitution. Therefore, Sir, I shall be for leaving this Clause out of the Bill, and every other Clause relating to it. The Bill will be of some Service without them; and when we have passed it, we may then go into a Committee to consider of some lasting Methods for increasing our Stock of Seamen, and for encouraging them upon all Occasions to enter into his Majesty's Service.

A Copy of his Majesty's Speech, relating to the Queen of Hungary, deliver'd April the 4th, being read to the House, Mr. Clutterbuck rose up, and spoke to this Effect.

SIR,

The present Confusion in Europe, the known Designs of the French, the numerous Claims to the Austrian Dominions, the Armies which are levied to support them, and the present Inability of the Queen of Hungary to maintain those Rights which descend to her from her Ancestors, and have been confirmed by all the Solemnity of Treaties, evidently require an uncommon Degree of Attention in our Consultations, and of Vigour in our Proceedings.

Mr. Clutterbuck.

Whatever may be the Professions of the French, their real Designs are easily discovered; Designs which they have carried on, either openly, or in private, for near a Century, and which it cannot be expected that they will lay aside, when they are so near to Success. Their View, Sir, in all their Wars and Treaties, Alliances and Intrigues, has been the Attainment of universal Dominion, the Destruction of the Rights of Nature, and the Subjection of all the rest of Mankind; nor have we any Reason to imagine that they are not equally zealous for the Promotion of this pernicious Scheme, while they pour Troops into Germany, for the Assistance of their Ally, as when they wasted Kingdoms, laid Cities in Ashes, and plunged Millions into Misery and Want, without any other Motive than the Glory of their King.

But the French are not the only Nation at this Time labouring for the Subversion of our common Liberties. Our Liberties, Sir, are endangered by those equally interested with ourselves in their Preservation; for in what Degree soever any of the Princes who are now endeavouring to divide among themselves the Dominions of Austria, may be pleased with the Acquisition of new Territories, and an imaginary Increase of Influence and Power, it must be evident

to all who are not dazzled by immediate Interest, that they are only fighting for France, and that, by the Destruction of the Austrian Family, they must, in a short time, fall themselves.

‘ It is well known, Sir, tho’ it is not always remembered, that political as well as natural Greatness is merely comparative, and that he only is a powerful Prince, who is more powerful than those with whom he can have any Cause of Contention. That Prince, therefore, who imagines his Power enlarged by a Partition of Territories, which gives him some additional Provinces, may be at last disappointed in his Expectations. For if this Partition gives to another Prince already greater than himself, an Opportunity of increasing his Strength, in a Degree proportionate to his present Superiority, the former will soon find, that he has been labouring for nothing, and that his Danger is still the same.

‘ Such, Sir, is the Case of the King of Prussia, who, when he has over-run that Part of Germany, to which he now lays claim, will only have weaken’d the House of Austria, without strengthening himself.

‘ He is at present secure in the Possession of his Dominions, because neither the Austrians would suffer the French, nor the French permit the Austrians to increase their Power by subduing him. Thus, while the present Equipoise of Power is maintained, Jealousy and Caution would always procure him an Ally whenever he should be attacked; but when, by his Assistance, the Austrian Family shall be ruin’d, we shall defend him against the Ambition of France.

‘ While the Liberties of Mankind are thus equally endangered by Folly and Ambition, attacked on one side, and neglected on the other, it is necessary for those who foresee the Calamity that threatens them, to exert themselves in Endeavours to avert it, and to retard the fatal Blow, till those who are now lulled by the Contemplation of private Advantage, can be awakened into a just Concern for the general Happiness of Europe, and be convinced that they themselves can only be secure by uniting in the Cause of Liberty and Justice.

‘ For this Reason, Sir, his Majesty, has asserted the Pragmatic Sanction, and promised to assist the Queen of *Hungary* with the Forces which former Treaties have entitled her to demand from him; for this Reason he has endeavoured to rouse the Dutch from their Supineness, and excite them to arm once more for the common Safety, to intimidate by new Augmentations those Powers whose Ardour, perhaps, only subsists upon the Confidence that they shall not be resisted, and to animate by open Declarations in favour of the

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House of Austria, those who probably are only hindered from offering their Assistance, by the fear of standing alone against the Armies of France.

‘ That by this Conduct he may expose his Dominions on the Continent, to Invasions, Ravages, and the other Miseries of War, every one who knows their Situation, must readily allow ; nor can it be doubted by any Man, who has heard of the Power of the Prussians and French, that they may commit great Devastations with very little Opposition, the Forces of the Electorate not being sufficient to give them Battle. For tho’ the fortified Towns might hold out against them, that Consideration will very little alleviate the Concern of those who consider the Miseries of a Nation, whose Enemies are in Possession of all the open Country, and who from their Ramparts see their Harvests laid waste, and their Villages in Flames. The Fortifications contain the Strength, but the Field and the trading Towns comprize the Riches of a People, and the Country may be ruined which is not subdued.

‘ As therefore, Sir, the Electoral Dominions of his Majesty are now endangered, not by any private Dispute with the neighbouring Princes, but by his Firmness in asserting the general Rights of Europe ; as the Consequences of his Conduct, on this Occasion, will be chiefly beneficial to Great Britain, we ought surely to support him in the Prosecution of this Design : A Design, which we cannot but approve, since our Ancestors have always carried it on without Regard either to the Danger or the Expence.

‘ In conformity to this Maxim of Politics, so clearly founded in Equity, and so often justified by the Votes of the Parliament, his Majesty has been pleased to declare to us his Resolution to adhere to his Engagements, and oppose all Attempts that may be forming in favour of any unjust Pretensions to the Prejudice of the House of Austria. ’Tis for this End he desires the Concurrence of his Parliament. I hope every Gentleman in this House will agree with me, that we ought to declare our Approbation of these Measures, in such Terms, as may shew the World, that those who shall dare to obstruct them, must resolve to incur the Resentment of this Nation, and expose themselves to all the Opposition which the Parliament of Great Britain can send forth against them. We ought to pronounce that the Territories of Hanover will be considered on this Occasion as the Dominions of Great Britain, and that any Attack on one or the other will be equally resented. I therefore move, that an humble Address be presented by this House to his Majesty, *To return our Thanks for his Speech ; to express our dutiful Sense of his Ma-*

jeſty's juſt Regard for the Rights of the Queen of Hungary, and for maintaining the Pragmatic Sanction; to declare our Concurrence in the prudent Measures, which his Maſteſty is purſuing for the Preſervation of the Liberties and Balance of Power in Europe; to acknowledge his Maſteſty's Wiſdom and Reſolution, in not ſuffering himſelf to be diverted from ſteadily perſevering in his juſt Purpoſes of fulfilling his Engagements with the Houſe of Auſtria: Alſo, further to aſſure his Maſteſty, that, in Juſtice to, and Vindication of the Honour and Dignity of the Britiſh Crown, we will effectually ſtand by, and ſupport his Maſteſty againſt all Inſults and Attacks, which any Prince or Power, in Reſentment of the juſt Measures which he has ſo wiſely taken, ſhall make upon any of his Maſteſty's Dominions, tho' not belonging to the Crown of Great Britain. And that in any future Events, which might make it neceſſary for him to enter into ſtill larger Expences, this Houſe will enable him to contribute in the moſt effectual Manner, to the Support of the Queen of Hungary, to the preventing, by all reaſonable Means, the Subverſion of the Houſe of Auſtria, and to the maintaining the Pragmatic Sanction and the Liberties and Balance of Europe.

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SIR,

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• The Expediency, if not the Neceſſity of the Addreſs now moved for, will, I believe, be readily allowed by thoſe who conſider the juſt Measures which are purſued by his Maſteſty, the End which is intended by them, and the Powers by which they are oppoſed.

• How much it is our Duty to ſupport the Houſe of Auſtria it is not neceſſary to explain to any Man who has heard the Debates of this Aſſembly, or read the Hiſtory of the laſt War. How much it is our Duty to ſupport it, is evident as ſoon as it is known by whom it is attack'd; by the ancient Enemy of theſe Nations, by the general Diſturber of the Univerſe, by the formidable Oppreſſors of Liberty, exulting in new Acquiſitions, enſlaved with the Madneſs of univerſal Monarchy, and elated with an Opportunity of ſubjecting Germany, by exalting to the ſupreme Power a Prince who ſhall hold his Authority only by their Permiſſion.

• The Houſe of Auſtria, which has ſo often ſtood forth in Defence of our common Rights, which has poured Armies into the Field in Confederacy with Great Britain, to ſuppreſs the Insolence of that Family, which nothing could ſatisfy but boundleſs Power, now demands the Aſſiſtance which it has ſo often afforded; that Aſſiſtance is demanded from us by every Claim which the Laws of Society can enact, or the

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the Dictates of Nature can suggest, by Treaties maturely considered, and solemnly confirmed, by the Ties of antient Friendship, and the Obligations of common Interest.

To violate the public Faith, and to neglect the Observation of Treaties, is to sink ourselves below Barbarity, to destroy that Confidence which unites Mankind in Society. To deny or evade our Stipulations, Sir, is to commit a Crime which every honest Mind must consider with Abhorrence, and to establish a Precedent which may be used hereafter to our own Destruction.

To forsake an Ally, only because we can receive no immediate Advantage from his Friendship, or because it may be in some degree dangerous to adhere to him; to forsake him when he most wants our good Offices, when he is distressed by his Enemies, and deserted by others, from whom he had Reason to hope for kinder Treatment, is the most despicable, the most hateful Degree of Cowardice and Treachery.

The Obligations of Interest, Sir, it is not often needful to enforce; but it may be observed on this Occasion, that a single Year of Neglect may never be retrieved. We may, Sir, now be able to support those whom, when once dispossessed, it will not be in our Power to restore; and that if we suffer the House of Austria to be over-borne, our Posterity, through every Generation, may have Reason to curse our injudicious Parsimony, our fatal Inactivity, and our perfidious Cowardice.

With what Views the King of Prussia concurs in the French Measures, or upon what Principles of Policy he promises to himself any Security in the Enjoyment of his new Dominions, it is not easy to conjecture; but as it is easy to discover, that whatever he may propose to himself, his Conduct evidently tends to the Ruin of Europe, so he may, in my Opinion, justly be opposed, if he cannot be diverted or made easy.

Nor can we, Sir, if this Opposition should incite him, or any other Power, to an Invasion of his Majesty's foreign Dominions, refuse them our Protection and Assistance. For as they suffer for the Cause which we are engaged to support, and suffer only by our Measures, we are, at least, as Allies, obliged by the Laws of Equity, and the general Compacts of Mankind, to arm in their Defence; and what may be claimed by the common Right of Allies, we shall surely not deny them, only because they are more closely united to us, because they own the same Monarch with ourselves.

Mr.

Mr. Pulteney,

SIR,

Pulteney.

With what Eagerness the French snatch every Opportunity of increasing their Influence, extending their Dominions, and oppressing their Neighbours, the Experience of many Years has convinced all Europe; and it is evident that, unless some Power be preserved in a Degree of Strength nearly equal to theirs, their Schemes, pernicious as they are, cannot be defeated.

That the only Power from which this Opposition can be hoped is the House of Austria, a very superficial View of this Part of the Globe will sufficiently demonstrate; of this we were long since so strongly convinced, that we employed all our Forces, and all our Politics to aggrandize this House. We endeavoured not only to support it in all its hereditary Rights, but to invest it with new Sovereignities, and extend its Authority over new Dominions.

Why we afterwards varied in our Councils and our Measures, I have long enquired without any Satisfaction, having never, Sir, with the utmost Application, been able to discover the Motives to the memorable Treaty of Hanover, by which we stipulated to destroy the Fabric that we had been so long, and so laboriously endeavouring to erect; by which we abandoned that Alliance, which we had so diligently cultivated, which we had preferred to Peace, Plenty, and Riches, and for which we had cheerfully supported a tedious, a bloody, and an expensive War.

This Conduct, Sir, raises a greater Degree of Admiration, as the Authors of it had exhausted all their Eloquence in censuring the Treaty of Utrecht, and had endeavoured to expose those who transacted it to the general Hatred of the Nation; as they always expressed in the strongest Terms their Dread and Detestation of the French; as they animated all their Harangues, and stunned their Opponents with Declarations of their Zeal for the Liberties of Europe.

By what Impulse, or what Infatuation, these Assertors of Liberty, these Enemies of France, these Guardians of the Balance of Power, were, on the sudden, prevailed on to declare in Favour of the Power whom they had so long thought it their chief Interest and highest Honour to oppose, must be discovered by Sagacity superior to mine. But, after such Perplexity of Councils, and such Fluctuation of Conduct, it is necessary to enquire more particularly what are the present Intentions of the Ministry, what Alliances have been formed, and what Conditions are required to be fulfilled.

If

If we are obliged only to support the Queen of Hungary with twelve thousand Men, we have already performed our Engagements; if we have promised any pecuniary Assistance, the Sum which we have stipulated to furnish ought to be declared; for I suppose at least our Engagements have some Limits, and that we are not to exert all the Force of the Nation, to fight as if Fire and Sword were at our Gates, or an Invader were landing Armies upon our Coasts.

I have, Sir, from my earliest Years, been zealous for the Defence and Exaltation of the House of Austria, and shall be very far from proposing that any Danger or Distress should influence us to desert it; but I do not easily discover by what Means we shall be able to afford any efficacious Assistance; for the Power of Britain consists chiefly in Naval Armaments, which can be of very little Use to the Queen of Hungary, and I know not any State that will easily consent to unite with us on this Occasion.

If there be, Sir, any States remaining in Europe which the French can neither intimidate nor bribe, we ought studiously to solicit, and diligently to cultivate their Friendship, but whether any, except the Russians, are now independent, or sufficiently confident of their own Strength to engage in such a hazardous Alliance, may be justly doubted.

The late grand Alliance, Sir, was supported at the Expence of this Nation alone, nor was it required from the other Confederates to exhaust the Treasure of their Country in the common Cause; I hope the Debt which that War has entailed upon us, will instruct us to be more frugal in our future Engagements, and to stipulate only what we may perform without involving the Nation in Misery, which Victories and Triumphs cannot compensate.

The Necessity, Sir, of public Oeconomy obliges me to insist, that before any Money shall be granted, an Account be laid before the House in particular Terms, of the Uses to which it is to be applied. To ask for Supplies in general Terms, is to demand the Power of squandering the Public Money at Pleasure, and to claim, in softer Language, nothing less than despotic Authority.

It has not been uncommon for Money granted by the House to be spent without producing any of those Effects which were expected from it, without assisting our Allies, or humbling our Enemies; and therefore there is Reason for suspecting that Money has sometimes been asked for one Use, and applied to another.

If our Concurrence, Sir, is necessary to increase his Majesty's Influence on the Continent, to animate the Friends of the House of Austria, or to repress the Disturbers of the public

lie Tranquillity, I shall willingly unite with the most zealous Advocates for the Administration in any Vote of Approbation or Assistance, not contrary to the Act of Settlement, that important and well-concerted Act, by which the present Family were advanced to the Throne, and by which it is provided, that Britain shall never be involved in War for the Enlargement or Protection of the Dominions of Hanover, Dominions from which we never expected nor received any Benefit, and for which therefore nothing ought to be either suffered or hazarded.

If it should be again necessary to form a Confederacy, and to unite the Powers of Europe, against the House of Bourbon, that ambitious, that restless Family, by which the Repose of the World is almost every Day interrupted, which is incessantly labouring against the Happiness of human Nature, and seeking every Hour an Opportunity of new Encroachments, I declare, Sir, that I shall not only, with the greatest Cheerfulness, bear my Share of the public Expence, but endeavour to reconcile others to their Part of the Calamities of War. This, Sir, I have advanced, in Confidence that sufficient Care shall be taken, that in any new Alliance, we shall be Parties, not Principals; that the Expence of War, as the Advantage of Victory, shall be common; and that those who shall unite with us, will be our Allies, not our Mercenaries.

Mr. H. Walpole.

S I R,

Mr. H. Walpole.

• It is not without Reason that the honourable Gentleman desires to be informed of the Stipulations contained in the Treaty by which we have engaged to support the Pragmatic Sanction, for I find that he either never knew them, or has forgotten them; and therefore those Reasonings which he has formed upon them fall to the Ground.

• We are obliged, Sir, by this Treaty, to supply the House of Austria with twelve Thousand Men, and the Dutch who were engaged in it by our Example, having promised a Supply of five thousand. This Force joined to those Armies which the large Dominions of that Family enable them to raise, were sufficient to repel any Enemy by whom their Rights should be invaded.

• But because in Affairs of such Importance nothing is to be left to hazard, because the Equipoise of Power, on which the Liberties of almost all Mankind, who can call themselves free, must be acknowledged to depend, ought to be rather certain, than barely probable; it is stipulated farther, both by the Dutch and ourselves, that if the Supplies specified in the

the first Article shall appear insufficient, we shall unite our whole Force in the Defence of our Ally, and struggle once more for Independence, with Ardour proportion'd to the Importance of our Cause.

By these stipulations, Sir, no Engagements have been formed that can be imagined to have been prohibited by the Act of Settlement, by which it is provided, that the House of Hanover shall not plunge this Nation into a War, for the sake of their foreign Dominions, without the Consent of the Parliament; for this War is by no Means entered upon for the particular Security of Hanover, but for the general Advantage of Europe, to repress the Ambition of the French, and to preserve ourselves and our Posterity from the most abject Dependence upon a Nation exasperated against us by long Opposition, and hereditary Hatred.

Nor is the Act of Settlement only preserved unviolated, by Reason of the present Alliance, but by the regular Concurrence of the Parliament, which his Majesty has desired, notwithstanding his indubitable Right of making Peace and War by his own Authority. I cannot therefore imagine upon what Pretence it can be urged that the Law, which requires that no War shall be made on Account of the Hanover Dominions without the Consent of the Parliament, is violated, when it is evident that the War is made upon other Motives, and the Concurrence of the Parliament is solemnly desired.

But such is the Malevolence with which the Conduct of the Administration is examined, that no Degree of Integrity or Vigilance can secure it from Censure. When in the present Question Truth and Reason are evidently on their Side, past Transactions are recalled to Memory, and those Measures are treated with the utmost Degree of Contempt and Ridicule, of which the greatest Part of the House have probably forgotten the Reasons, and of which the Authors of them do not always stand up in the Defence, because they are weary of repeating Arguments to those who listen with a Resolution never to be convinced.

How well, Sir, those by whom the Ministry is opposed, have succeeded in hardening their Minds against the Force of Reason, is evident from their constant Custom of appealing from the Parliament to the People, and publishing in Pamphlets those Arguments which they have found themselves in this Assembly unable to support; a Practice which discovers rather an obstinate Resolution to obstruct the Government, than Zeal for the Prosperity of their Country, and which, to speak it in the softest Terms, seems to be suggested more by the Desire of Popularity than the Love of Truth.

Mr. Sandys.

S I R.

Mr. Sandys.

‘ Notwithstanding the Confidence with which this Motion has been offered and defended, notwithstanding the specious Appearance of Respect to his Majesty, by which it is recommended, I am not ashamed to declare, that it appears to me inconsistent with the Trust reposed in us by our Constituents, who owe their Allegiance to the King of Great Britain and not to the Elector of Hanover.

‘ It will be urged, Sir, by the People, whom we sit here to represent, that they are already embarrassed with Debts contracted in a late War, from which, after the Expence of many Millions, and the Destruction of prodigious Multitudes, they received no Advantage; and that they are now loaded with Taxes for the support of another, of which they perceive no Prospect of any happy or honourable Conclusion, of either Security or Profit, either Conquests or Reprials, and that they are therefore by no Means willing to see themselves involved in any new Confederacy, by which they may entail on their Posterity the same Calamities, and oblige themselves to hazard their Fortunes and their Happiness in Defence of distant Countries, of which many of them have scarcely heard, and from which no Return of Assistance is expected.’

Mr. H. Walpole.

S I R,

Mr. H. Walpole.

‘ Though it is not necessary to refute every Calumny that Malice may invent, or Credulity admit, or to answer those of whom it may reasonably be conceived that they do not credit their own Accusations, I will yet rise once more in Vindication of the Treaty of Hanover, to shew with how little Reason it is censured, to repress the Levity of Insult, and the Pride of unreasonable Triumph.

‘ The Treaty of Hanover, Sir, how long soever it has been ridiculed, and with whatever Contempt those by whom it was negotiated have been treated, was wise and just. It was just, because no Injury was intended to any Power, no Invasion was planned, no Partition of Dominions stipulated, nothing but our own Security desired. It was wise, because it produced the End proposed by it, and established that Security which the Austrians and Spaniards were endeavouring to destroy.

‘ The Emperor of Germany, Sir, had then entered into a secret Treaty of Alliance with Spain, by which nothing less was designed than the total Destruction of our Liberties,  
the

the Diminution of our Commerce, the Alienation of our Dominions, and the Subversion of our Constitution. We were to have been expelled from Gibraltar, and totally excluded from the Mediterranean Seas, the Pretender was to have been exalted to the Throne, and a new Religion, with the Slavery that always accompanies it, to have been introduced amongst us, and Ostend was to have been made a Port, and to have shared the poor Remains of our Commerce to foreign Nations.

‘ This unjust, this malicious Confederacy was then opposed with the utmost Vehemence by Prince *Eugene*, whose Courage and military Capacity are celebrated throughout the World, and whose political Abilities, and Knowledge of the Affairs of Europe, were equal to his Knowledge of War. He urged with great Force, that such a Confederacy would disunite the Emperor for ever from the Maritime Powers, by which it had been supported, and which were engaged by one common Interest in the Promotion of its Prosperity: But his Remonstrances availed nothing, and the Alliance was concluded.

‘ When our antient Allies, who had been so often succour’d with our Treasure, and defended by our Armies, had entered into such Engagements; when it was stipulated not only to impoverish but enslave us; not only to weaken us Abroad, but to deprive us of every domestic Comfort; when a Scheme was formed that would have spread Misery over the whole Nation, and have extended its Consequences to the lowest Orders of the Community, it was surely necessary to frustrate it by some Alliance, and with whom could we then unite, but with France.

‘ This is not the only Fact on which Gentlemen have ventured to speak with great Freedom without sufficient Information; the Conduct of our Allies in the late War has been no less misrepresented than that of our Ministers in their Negotiations. They have been charged with imposing upon us the whole Expence of the Confederacy, when it may be proved, beyond Controversy, that the annual Charge of the Dutch was five Millions.

‘ Nor did they, Sir, only contribute annually thus largely to the common Cause, but when we forsook the Alliance, and shamefully abandoned the Advantages we had gained, they received our Mercenaries into their own Pay, and expended nine Millions in a single Year.

‘ Of the Truth of these Assertions it is easy to produce incontestable Evidence, which, however, cannot be necessary to any Man who reflects, that from one of the most wealthy Nations in the World, the Dutch, with all their

Commerce, and all their Parsimony, are reduced to Poverty and Distress; for who can tell by what Means they have sunk into their present low Condition, if they suffered nothing by the late War?

How this Gentleman, Sir, has been deceived, and to whose Insinuations his Errors are to be imputed, I am at no Loss to discover; I hope he will by this Confutation be warned against implicit Credulity, and remember with what Caution that Man is to be trusted, whose pernicious Councils have endangered his Country.

Mr. Vyner.

Mr. Vyner.

SIR, It is, in my Opinion, an incontestable Maxim, that no Measures are eligible which are unjust; and that therefore, before any Resolutions are formed, we ought to examine not what Motives may be suggested by Expedience, but what Arguments may be advanced by Equity on one Part or the other.

If I do not mistake the true Intent of the Address now proposed, we are invited to declare that we will oppose the King of Prussia in his Attempts upon Silesia, a Declaration in which I know not how any Man can concur; who knows not the Nature of his Claim, and the Laws of the Empire. It ought therefore, Sir, to have been the first Endeavour of those by whom this Address has been so zealously promoted, to shew that his Claim, so publicly explained, so firmly urged, and so strongly supported, is without Foundation in Justice or in Reason, and is only one of those imaginary Titles, which Ambition may always find to the Dominions of another.

But no Attempt has yet been made towards the Discussion of this important Question, and therefore I know not how any Man can call upon us to oppose the King of Prussia, when his Claim may probably be just, and, by Consequence, such as, if it were necessary for us to engage in the Affairs of those distant Countries, we ought to join with him in asserting.

Lord Gage.

Lord Gage.

SIR,

As no Member of this Assembly can feel a greater Degree of Zeal for his Majesty's Honour than myself, none shall more readily concur in any Expression of Duty or Adherence to him.

But I have been always taught that Allegiance to my Prince is consistent with Fidelity to my Country, that the Interest of the King and the People of Great Britain are the same,

same, and that he only is a true Subject of the Crown, who is a steady Promoter of the Happiness of the Nation.

For this Reason I think it necessary to declare, that Hanover is always to be considered as a Sovereignty separate from that of Great Britain, and as a Country with Laws and Interests distinct from ours; and that it is the Duty of the Representatives of this Nation, to take care that Interests so different may never be confounded, and that Great Britain may incur no Expence of which Hanover alone can enjoy the Advantage.

If the Elector of Hanover should be engaged in War with any of the Neighbouring Sovereigns, who should be enabled by a Victory to enter into the Country, and carry the Terrors of War through all his Territories, it would by no Means be necessary for this Nation to interpose; for the Elector of Hanover might lose his Dominions without any Disadvantage or Dishonour to the King or People of Great Britain.

The Address was agreed to without Division.

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A LIST

*A LIST of the MEMBERS of the Eighth  
Parliament of GREAT-BRITAIN,  
from 1734 to 1741.*

**B**EFORD County. Sir Rowland Alston, Hon. John  
(a) Spencer, Sir Roger Burgoyne, Bart.  
*Bedford.* Sam. Ongley, Sir Jer. Sambroke, Bart. *died*  
Sir Boteler Charnocke, Bart.

**BERKS** County. Wynch. Howard Packer, William Archer,  
*died*, Penylton Powney.

*Windsor.* Lord Vere Beauclerck, Lord Sidney Beauclerck.

*Reading.* Richard (b) Pottenger, *died*, John Blagrove, Henry  
Grey Nevil, *died*, William (c) Strode, John Dodd.

*Wallingford.* Thomas Towers, William Hucks, *died*, Jo-  
seph Townsend.

*Abingdon.* Robert Hucks.

**BUCKINGHAM** County. Sir Thomas Lee, Bart. Sir Wil-  
liam Stanhope, *Knight of the Bath.*

*Buckingham.* George Denton, Richard Grenville.

*Wycomb.* Harry Waller, Edmund (d) Waller, Sir Charles  
Vernon, Knt.

*Aylesbury.* Christopher Towers, Sir George (e) Champion,  
Knt.

*Agmondesham.* Henry Marshal, Thomas Lutwych, *died*,  
Thomas Gore.

*Wendover.* John Hampden, John (f) Boteler, *Ld. Viscount*  
*Limerick.*

*Marlow.* Sir Thomas Hoby, Bart. Edmund Waller.

**CAMBRIDGE** County. Henry (g) Bromley, Samuel Shep-  
heard.

*Cambridge University.* Hon. Edward Finch, Hon. Thomas  
Townsend.

*Cambridge Town.* Sir John Hynd Cotton, Bart. Thomas  
Sclater Bacon, *died*, Gilbert Affleck.

**CHESTER** County. Char. Cholmondeley, John Crewe, jun.

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(a) *Made his Election for Woodstock.* (b) *Made a Welch*  
*Judge, and re-chosen, died.* (c) *Voted not duly elected.*  
(d) *Made his Election for Marlow.* (e) *Alderman of London.*  
(f) *Void Election as to him.* (g) *Created Lord*  
*Montfort.* *Chester*

*Chester City.* Sir Robert Grosvenor, Bart. Sir Charles Bunbury, Bart.

*CORNWALL County.* Sir William Carew, Bart. Sir John St. Aubin, Bart.

*Launceston.* Sir William Morrice, Bart. John (b) King, Sir William (i) Irby, Bart.

*Leskard.* Rich. Elliot, Geo. Dennis, *died*, Char. Trelawney.

*Lestwithiel.* Richard Edgecumbe, Philip Lloyd, *died*, Matthew Ducie (k) Morton, Sir John Cross, Bart.

*Truro.* Robert Trefusis, Kellond Courtenay.

*Bodwyn.* John Laroche, Sir John Heathcote, Bart.

*Helston.* John Evelyn, John Harris.

*Saltaſh.* Thomas Corbet, Lord Glenorchy, K. B.

*Camelford.* Sir Thomas Lyttelton, Bart. Colonel James Cholmondeley.

*Westlow.* Edw. (l) Trelawney, Sam. Holden, *died*, Henry Legge, John (m) Willes, John (n) Strange.

*Grampound.* Thomas Hales, Philip Hawkins, *died*. Capt. Thomas Trefusis.

*Eastlow.* Charles Longueville, John Owen.

*Penryn.* Sir Richard Mill, Bart. John Clavering.

*Tregony.* Henry Penton, John Goddard, *died*, Sir Robert Cowan, Knt. *died*, Joseph Gullston.

*Bossiny.* Lord Viſc. Palmerſton, Townſend Andrews, *died*, Hon. Peregrine Poulet.

*St. Ives.* Sir Rob. Rich, Bart. William Mackworth Praed.

*Forwey.* Jonathan Raſhleigh, John Hedges, *died*, William Wardour.

*St. Germans.* Charles Montagu, Charles Lord Baltimore.

*St. Michael.* Robert Ord, Thomas Watts.

*Newport.* Sir John Molesworth, Bart. Hon. Thomas Herbert, *died*, Hon. Nicholas Herbert.

*St. Marwes.* Henry Vane, Richard Plummer.

*Kellington.* Thomas Coppleſton, Iſaac Leheup.

*CUMBERLAND County.* Sir James Lowther, Bart. Sir Joſeph Pennington, Bart.

*Carlisle City.* Hon. Charles Howard, John Hylton.

*Cockermouth.* Hon. Wilfrid Lawſon, Bart. *died*, Eldred Curwen.

*DERBY County.* Lord Charles Cavendiſh, Sir Nathaniel Curzon, Bart.

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(b) Made his Election for Exeter. (i) Voted duly elected upon a Petition. (k) Succeeded his Father as Lord Ducie. (l) A Commissioner of the Customs. (m) Commissioner of Trade, 1000 l. (n) Made Lord Chief Justice of the Common Pleas.

Derby.

*Derby.* Lord James Cavendish, Hon. Charles Stanhope, *died*,  
Hon. John Stanhope.  
*DEVON County.* Henry Rolle, Sir William Courtenay, Bart.  
*died*, John Bampfylde.  
*Exeter.* Thomas Balle, Hon. John (n) King, Sir Henry  
Northcote, Bart.  
*Totness.* Sir Charles Wills, K. B. Joseph Danvers.  
*Plymouth.* Arthur Stiert, Hon. Robert (o) Byng, Capt. Char.  
Vanbrugh, *died*, Lord Henry Beauclerk.  
*Oakhampton.* Thomas Pitt, Wm. Northmore, *died*, George  
Lyttelton.  
*Barnstaple.* Theophilus Fortescue, Sir John Chichester, Bart.  
*died*, John Basset.  
*Plympton.* Thomas Clutterbuck, Rich. (p) Edgcumbe (*now*  
*Lord Edgcumbe*), Tho. Walker.  
*Honiton.* Sir William Yonge, Bart. Sir William Courtenay,  
Bart.  
*Tavistock.* Sidney Meadows, Hon. Charles Fane.  
*Ashburton.* Sir Wm. (q) Yonge, Bart. Thomas Bladen, Roger  
Tuckfield, *died*, Joseph Taylor.  
*Dartmouth.* George Treby, Walter Cary.  
*Bereafston.* John Bristowe, Sir Francis Henry Drake, Bart.  
*died*, Samuel Heathcote.  
*Tiverton.* Arthur Arscott, Dudley Ryder.  
*DORSET County.* Geo. Chaffin, Edmund Morton Pleydell.  
*Poole.* George Trenchard, Thomas Wyndham.  
*Dorchester.* John Browne, Sir Wm. (r) Chapple, Knt. Robert  
Browne.  
*Lyme Regis.* Henley Holt Henley, John Scrope.  
*Weymouth.* Tho. Pearce, Edward (s) Tucker, John Olmuis.  
*Melcomb Regis.* George Doddington, George Bubb (t) Dod-  
dington, John Tucker.  
*Bridport.* William Bowles, Solomon Ashley.  
*Shaftsbury.* Philip (u) Bennet, Stephen (x) Fox, Jacob Banks,  
*died*, Philip Bennet.  
*Wareham.* Henry Drax, John Pitt.  
*Corfe Castle.* John Bond, John Banks.

(n) Succeeded his Father as Lord King. (o) Made Go-  
vernor of Barbadoes. (p) Joint Treasurer of Ireland.  
4000 l. Made his Election for Lestwithiel. (q) Made his  
Election for Honiton. (r) Made one of the Justices of  
the King's Bench. (s) Seat vacated, being made Surveyor  
of his Majesty's Quarries in the Isle of Portland. (t) Made  
his Election for Bridgwater. (u) Not duly elected.  
(x) Created Lord Ilchester at the Expiration of this Parlia-  
ment.

DURHAM

**DURHAM County.** John Hedworth, George Bowes.

**Darham City.** Henry Lambton, John Shaftoe.

**ESSEX County.** Sir Robert Abdy, Bart. Thomas Bramston.  
**Colchester.** Matthew Martin, Isaac Lemyng Rebow, *died*,  
Jacob Houblon.

**Malden.** Colonel Martin Bladen, Henry Parsons, *died*, Benjamin Keene.

**Harwich.** Hon. Charles Stanhope, Carteret Leathes.

**GLOUCESTER County.** Thomas Chester, Hon. Benjamin Bathurst.

**Gloucester City.** Hon. Benjamin Bathurst, Col. John Selwyn.

**Cirencester.** Thomas Master, William (y) Wodehouse, *died*,  
Hon. Henry Bathurst.

**Tewksbury.** Lord Viscount Gage, Robert Tracy.

**HEREFORD County.** Velters Cornewal, Hon. Edward Harley.

**Hereford.** Thomas Foley, jun. Sir John Morgan, Bart.

**Leominster.** Sir George Caswell, Robert Harley.

**Weobly.** Sir John Buckworth, Bart. John Birch, *died*, Capt.  
James (z) Cornewall.

**HERTFORD County.** William Plummer, Sir T. Saun. Seabright, Bart. *died*, Charles Caesar, *died* (a).

**St. Albans.** Sir Tho. Aston, Bart. Tho. Ashby.

**Hertford Town.** Nathaniel Brassey, Sir Tho. Clerke, Knt.

**HUNTINGTON County.** Rob. Piggot, Ld. Robert (b) Montagu, Charles Clarke.

**Huntington Town.** Hon. Edward Wortley Montague, Col. Handasyde.

**KENT County.** Sir Edward Dering, Bart. Lord Vane, *died*,  
Sir Christopher Powell, Bart.

**Canterbury.** Sir Wm. (c) Hardress, Bart. Sir Thomas Hales,  
Bart. Thomas (d) Broadneux.

**Rochester.** David Polhill, Admiral Haddock.

**Maidstone.** Wm. Horsmanden Turner, John Finch, *died*,  
Hon. Capt. Robert Fairfax.

**Queenborough.** Rich. Evans, Sir Geo. Saunders, Knt. *died*,  
Lord Archibald Hamilton.

**LANCASTER County.** Rich. Shuttleworth, Sir Edw. (e) Stanley, Bart. Peter Bold.

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(y) Chosen also for Norfolk. (z) Captain of a Man  
of War, declared duly elected against Mr. Birch. (a) No  
Writ for a new Member. (b) Succeeded his Brother as Duke  
of Manchester. (c) Not duly elected. (d) Changed  
his Name to May, since to Knight. (e) Succeeded as Earl  
of Derby.

*Preston.* Nicholas Fazakerley, Sir Henry Houghton, Bart.  
*Lancaster.* Sir Thomas Lowther, Bart. Robert Fenwick.  
*Newton.* William Shippen, Esq; Legh Master.  
*Wigan.* Earl of Barrymore, Sir Roger Bradshaigh, Bart.  
*Clithero.* Thomas Lister, William Curzon,  
*Liverpool.* Thomas Brereton, Richard Gildart.  
**LEICESTER County.** Edw. Smith, Ambrose Philips, *died*,  
 Harry Lord (f) Grey, Lord (g) Guernsey.  
*Leicester Town.* George Wright, Sir Geo. Beaumont, Bart.  
*died*, James Wigley.  
**LINCOLN County.** Robert Vyner, Sir T. L. (a) Sanderson,  
 K. B. Thomas Whitchcot.  
*Lincoln City.* Hon. Charles Monson, Coningsby Sibthorpe.  
*Boston.* Albemarle Bertie, Richard Fyde.  
*Grimsby.* Robert Knight, Sir Robert Sutton, K. B.  
*Stamford.* William Noel, John Proby.  
*Grantham.* Lord Tyrconnel, K. B. Sir Michael Newton,  
 Bart. K. B.  
**MIDDLESEX County.** Wm. Pulteney, (*now Earl of Bath*)  
 Sir Francis Child, Knt. *died*, Sir Hugh Smithson, Bart.  
*Westminster.* Lord Sundon, Sir Charles Wager, Kt.  
*London.* Hump. (k) Parsons, Sir John Barnard, Knt. Mica-  
 jah Perry, Robert Willimot, *Aldermen*.  
**MONMOUTH County.** Col. (l) Morgan, Major John Han-  
 bury, *died*, Charles Hanbury Williams,  
*Monmouth Town.* Lord Charles Noel Somerset.  
**NORFOLK County.** Sir Edmund (m) Bacon, Bart. William  
 Wodehouse, *died*, Armine Wodehouse.  
*Norwich.* Horatio Walpole, Walter Bacon, *died*, Tho. Vere.  
*Lynn Regis.* Sir Rob. Walpole, K. G. (*now Earl of Orford*)  
 Sir Charles Turner, Bart. *died*, Sir John Turner, Bart.  
*Great Yarmouth.* Edw. Walpole, Hon. W. Townfend, *died*,  
 Hon. Roger Townfend.  
*Thetford.* Charles Fitzroy, Sir Edm. (n) Bacon, Bart. Lord  
 Augustus Fitzroy.  
*Castle-Rising.* Lieut. Gen. Charles Churchill, Thomas Han-  
 mer, *died*, Lord Viscount Andover.  
**NORTHAMPTON County.** Thomas Cartwright, Sir Justin,  
 Isham, Bart. *died*, Sir Edmund Isham, Bart.  
*Peterborough.* Edward Wortley, Armsted Parker.

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(f) Succeeded his Father as Earl of Stamford. (g) Son  
 to the Earl of Aylesford. (i) Succeeded his Brother as Earl  
 of Scarborough. (k) Died; no new Writ. (l) Lord  
 Lieutenant of the County. (m) Of Garboldisham. (n) Of  
 Gillingham; *died*.

Northampton

*Northampton Town.* Honourable George Compton, William Wilmer.

*Brackley.* Sir Paul Methuen, K. B. and P. C. George Lee, L. L. D.

*Higham-Ferrers.* Hon. John Finch.

*NORTHUMBERLAND County.* Sir Wm. Middleton, Bart. Ralph (o) Jenkinson.

*Newcastle upon Tyne.* Nicholas Fenwick, Walter Blacket.

*Morpeth.* Sir Henry Lyddel, Bart. Hen. Visc. (p) Morpeth, Henry Furnese.

*Berwick.* Lord (q) Polwarth, Will-Wildman Visc. Barrington, George Lyddel, *died*, Thomas Watson.

*NOTTINGHAM County.* William Levinz, jun. Tho. Bennet, *died*, Hon. John Mordaunt.

*Nottingham Town.* John Plumptree, Borlace Warren.

*East Retford.* Sir Robert Clifton, Bart. K. B. John White.

*Newark upon Trent.* James Pelham, Brigadier Gen. Sutton, *died*, Lord Wm. Mannors.

*OXFORD County.* Sir William Stapleton, Bart. *died*, Henry Perrot, *died*, Lord Viscount Quarrendon, Sir John Dashwood, Bart.

*Oxford University.* Lord Viscount Cornbury, George Clark, L. L. D. *died*, Wm. Bromley, *died*, Edw. Butler, L. L. D.

*Oxford City.* Thomas Rowney, Matthew (r) Skinner, James Herbert, *died*, Philip Herbert.

*Woodstock.* Hon. John Spencer, James Dawkins.

*Banbury.* Lord Visc. Wallingford, *died*, William Moore.

*RUTLAND County.* Hon. James Noel, Hon. Tho. Noel.

*SALOP County.* Sir John Astley, Corbet Kynaston, *died*, Richard Lyfter.

*Salop Town.* Sir Rich. Corbet, Bart. William Kynaston.

*Bridgenorth.* Tho. Whitmore, Grey James Grove,

*Ludlow.* Henry Arthur Herbert, Richard Herbert.

*Great Wenlock.* Wm. Forrester, Samuel Edwards, Brooke Forrester.

*Bishop's Castle.* Robert Moore, Edward Kynaston.

*SOMERSET County.* Tho. Strangeways Horner, Sir Wm. Wyndham, Bart. *died*, Tho. Prowse.

*Bristol.* Sir Abraham Elton, Bart. Tho. Coster, *died*, Edw. Southwell.

*Bath.* General George Wade, John Coddington.

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(o) Master of the Buck-Hounds. (p) Succeeded his Father as Earl of Carlisle. (q) Succeeded his Father as Earl of Marchmont in Scotland. (r) Made Chief Justice of Chester.

*Wells.* Thomas (s) Edwards, George (y) Hamilton, William Piers, George Speke.

*Taunton.* Francis Fane, Hen. William Portman.

*Bridgwater.* Geo. Bubb Doddington, Tho. Palmer, *died*, Sir Charles Wyndham, Bart.

*Minehead.* Francis Whitworth, Alexander Lutterel, *died*, Sir William Codrington, Bart. *died*, Thomas Carew.

*Ilchester.* Sir Robert Brown, Charles Lockyer.

*Milbourn Port.* Thomas Medlycot, Michael Harvey.

*SOUTHAMPTON County.* Lord Harry Powlett, Edw. Lisle.

*Winchester.* George Bridges, Powlett St. John.

*Southampton Town.* Sir William Heathcote, Bart. Anthony (r) Henley, John Conduit, *died*, Tho. Lee Dummer.

*Portsmouth.* Philip Cavendish, Thomas Lewis, *died*, Charles Stewart, *died*, Admiral Edward Vernon.

*Yarmouth in the Isle of Wight.* Lord Harry (u) Powlett, Anthony Chute, Paul Burrard, *died*, Thomas Gibson.

*Petersfield.* Sir William Jolliffe, Knt. Edward Gibbon.

*Newport in the Isle of Wight.* George Huckley, Wm. (x) Fortescue, Lord Viscount Boyne.

*Stockbridge.* Sir Humphrey Monnoux, Bart. John Montagu, *died*, John Berkely.

*Newtown.* James Worsley, Thomas Holmes.

*Christchurch.* Edw. Hooper, Jos. Hinxman, *died*, Charles Armand Powlett,

*Lymington.* Sir John Cope, Bart. Maurice Bockland.

*Whitchurch.* John Selywn, jun. John Conduit, *died*, Colonel Mordaunt.

*Andover.* Wm. Guidott, John Pollen,

*STAFFORD County.* Hon. Wm. Leveson Gower, Sir Walter Wagstaff Bagot, Bart.

*Litchfield.* Geo. Venables Vernon, Sir Rowland Hill, Bart.

*Stafford Town.* Hon. Wm. Chetwynd, Thomas Foley, *died*, John Lord Viscount Chetwynd.

*Newcastle under Lyne.* Hon. Baptist Leveson Gower, John Lawton, jun. *died*, Randal Wilbraham.

*Tamworth.* Ld. John Philip Sackville, Hon. G. (y) Compton, Charles Cotes, M D.

*SUFFOLK County.* Sir Jermyn Davers, Bart. Sir Robert Kemp, Bart. *died*, Sir Cordell Firebrace, Bart.

*Ipswich.* William Woolaston, Samuel Kent.

(s) Both voted not duly elected.

(r) Not duly elected.

(u) Made his Election for the County of the Exchequer.

(x) Made a Baron

(y) Made his Election for Northampton.

Dunwich,

*Dunwich.* Sir George Downing, Bart. K. B. Sir Orlando  
(x) Bridgeman, Bart. Wm. Morden.  
*Oxford.* Rich. Powys, Lewis Barlow, *died*, Briga. John Cope.  
*Aldborough.* Wm. Conolly, Geo. Purvis, *died*, Fran. Gashry.  
*Sudbury.* Richard Price, Edward Stephenson.  
*Eye.* Hon. Brig. Steph. Cornwallis, Hon. John Cornwallis.  
*St. Edmunds-Bury.* Hon. Thomas Hervey, Colonel Thomas  
Norton.  
*SURREY County.* Hon. ARTH. (a) ONSLOW, Tho. Scawen.  
*Southwark.* Tho. Inwen, Geo. Heathcote.  
*Blechingley.* Sir William Clayton, Kendrick Clayton.  
*Ryegate.* James Cocks, Joseph Jekyll, Knt. *died*, John  
Hervey.  
*Guilford.* Hon. Rich. Onslow, Hon. Rich. (b) Onslow, Hon.  
Denzil Onslow.  
*Gatton.* Paul Docminique, *died*, Charles Docminique, Wm.  
Newland, *died*, George Newland, L. L. D.  
*Haslemere.* George Oglethorpe, Peter Burrel.  
*SUSSEX County.* Hon. Henry Pelham, James Butler.  
*Chichester.* James Brudenell, Thomas Yates.  
*Horsham.* Char. Eversfield, Hon. Henry (c) Ingram, Hon.  
Charles Ingram.  
*Midhurst.* Thomas Bootle, Bul. Peachey Knight, *died*, Sir  
Harry (d) Peachey, Knt. *died*, Sir John Peachey, Bart.  
*Lewes.* Thomas Pelham, Thomas Pelham, sen. *died*, John  
Trevor.  
*New Shoreham.* John (e) Phillipson, Tho. Frederick, *died*,  
John Frederick.  
*Bramber.* Sir Harry Gough, Bart. Harry Gough.  
*Steyning.* Marquis Carnarvan, Sir Rob. Fagg, Bart. *died*,  
Hitch Younge.  
*East Grinstead.* Earl of Middlesex, Edward Conyers.  
*Arundel.* Sir John Shelley, Bart. Hon. John Lumley, *died*,  
Garton Orme.  
*WARWICK County.* Sir Charles Mordaunt, Bart. Hon.  
Edward Digby.  
*Coventry.* Sir Adolphus Oughton, Bart. *died*, John (f) Neale,  
John Neale, John (g) Bird, Earl of Euston.  
*Warwick Town.* Thomas Archer, Henry Archer.

(x) Made Governor of Barbadoes. (a) Speaker of the  
House this and the last Parliament. (b) Succeeded his Fa-  
ther as Lord Onslow. (c) Succeeded his Brother as Vis-  
count Irwin in Scotland. (d) Created a Baronet, *died*.  
(e) Made a Commissioner of the Navy, and re-chosen. (f) Void  
Election. (g) Made a Commissioner of the Stamp Office.

WEST.

**WESTMORELAND County.** Anthony Lowther, Daniel Wilton.

*Apulby.* Sir John Ramsden, Bart. Walter Plummer.

**WILTS County.** John Ivory Talbot, John (g) How.

*New Sarum.* Peter Bathurst, Henry Hoare.

*Wilton.* Hon. Robert Herbert, Hon. Wm. Herbert.

*Downton.* Anthony Duncombe, Joseph Wyndham Ashe.

*Hindon.* George Fox, Stephen (b) Fox, Henry Fox.

*Heybury.* Edward Ashe, Pierce A Court.

*Westbury.* Hon. George Evans, John Bance.

*Calne.* Walter Hungerford, William Duckett.

*Devizes.* Francis Eyles, Sir Joseph Eyles, Knt. *died*, John Garth.

*Chippenham.* Richard Long, Roger (r) Holland, Edw. Baynton Rolt.

*Malmesbury.* Giles Earle, William Rawlinson Earle.

*Cricklade.* Sir Thomas Reade, Bart. William Gore, *died*, Charles Gore.

*Great Bedwyn.* William Sloper, Robert Murray, *died*, Edward Popham.

*Ludgershall.* Daniel Boone, Peter Delmé.

*Old Sarum.* Wm. Pitt. Tho. (k) Pitt, Robert Needham.

*Wotton Bassett.* Sir Robert Long, Bart. Nicholas (l) Robinson.

*Marlborough.* Francis Seymour, Edward (m) Lisle, John Crawley.

**WORCESTER County.** Edm. Lechmere, Sir Her. Perrot Packington, Bart.

*Worcester City.* Samuel Sandys, Richard Lockwood.

*Droitwich.* Thomas Winnington, Edward Foley.

*Evesham.* Sir John Rushout, Bart. William (n) Taylor.

*Bewdley.* William (o) Bowles, Phineas Bowles.

**YORK County.** Sir Miles Stapylton, Bart. Chomley Turner.

*York City.* Sir John Lister Kay, Bart. Edward Thompson.

*Kingston upon Hull.* George Crowle, Henry Maister.

*Knareborough.* Hon. Richard Arundel, Sir Henry Shingsby.

*Scarborough.* William Thompson, Sir William Strickland, Bart. *died*, Lord Viscount (p) Dupplin, William (q) Ofbaldiston.

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(g) Created Lord Chedworth. (b) Made his Election for Shaftsbury. (i) Made a Welch Judge. (k) Made his Election for Oakhampton. (l) Captain of a Sloop to prevent Smuggling. (m) Made his Election for Hampshire. (n) Died; no new Writ issued. (o) Made his Election for Bridport. (p) Son of the Earl of Kinnowal, voted not duly elected.

Rippon.

*Rippon.* William Aislaby, Thomas Duncombe.  
*Richmond.* Sir Conyers D'Arcy, K. B. John Yorke.  
*Haydon.* Sir Francis Boynton, Bart. George Berkeley.  
*Borough-bridge.* Lieut. Gen. James Tyrrel, Geo. Gregory.  
*Malton.* Sir William Wentworth, Bart. Hon. Henry Finch.  
*Thirsk.* Sir Thomas Frankland, Bart. Fredrick Frankland.  
*Aldborough.* John Jewkes, Andrew Wilkinson.  
*Beverley.* Ellerker Bradshaw, Sir Char. Hotham, Bart. *died*,  
 Charles Pelham.  
*North Allerton.* Henry Peirse, Leonard Smelt, *died*, William  
 Smelt.  
*Pontefract.* Lord Galloway, Sir William Lowther, Bart.

## C I N Q U E P O R T S.

*Hastings.* Sir William Ashburnham, Bart. Thomas Pel-  
 ham, jun.  
*Dover.* David Papillon, Thomas Revell.  
*Sandwich.* Sir George Oxenden, Bart. Josiah Burchett.  
*Hyeth.* Hercules Baker, William Glanville.  
*New Romney.* Stephen Bisse, David (g) Papillon, Sir Robert  
 Austen, Bart.  
*Rye.* Sir John Norris, Knt. P. C. Philips Gybbon.  
*Winchelsea.* Robert Bristow, Edmund Hungate Beagham.  
*Seaford.* Sir Wm. Gage, Bart. K. B. Wm. Hay.

## W A L E S.

*Anglesea.* Nicholas Bailey.  
*Beaumaris.* Lord Viscount Bulkeley, *died*, Lord Viscount  
 (r) Bulkeley.  
*BRECON County.* John Jefferies.  
*Brecon Town.* John (s) Talbot.  
*CARDIGAN Shire.* Walter Lloyd.  
*Cardigan Town.* Richard Lloyd.  
*CAERNARVAN County.* John Griffith, *died*, John Wynn.  
*Caernarvan Town.* Thomas Wynne.  
*DENBIGH County.* Sir Wat. Williams Wynne, Bart.  
*Denbigh Town.* John Middleton.  
*FLINT County.* Sir Thomas Mostyn, Bart.  
*Flint Town.* Sir George Wynne, Bart.  
*GLAMORGAN County.* Hon. Wm. (t) Talbot, Bussy Mansell.

(g) Made his Election for Dover. (r) Brother of the  
 former Lord. (s) Made a Welch Judge, and re-chosen.  
 (t) Succeeded his Father as Lord Talbot.

Cardiff.

*Cardiff.* Herbert (u) Windsor, Herbert Mackworth.  
*MERIONETH County.* William Vaughan.  
*MONTGOMERY County.* Hon. Price (x) Devereux, Robert Williams.  
*Montgomery Town.* William Corbet.  
*PEMBROKE County.* John (y) Campbell.  
*Pembroke Town.* William Owen.  
*Hereford West.* Sir Erasmus Phillips, Bart.  
*RADNOR County.* Sir Humphry Howarth, Knt.  
*New Radnor.* Thomas Lewis.

## S C O T L A N D.

*Shire of ABERDEEN.* Sir Arthur Forbes, Knt. and Bart.  
*Shire of AIR.* James Campbell.  
*Shire of ARGYLE.* Sir James (z) Campbell, Bart. Captain Charles Campbell.  
*Shire of BAMF.* James Abercrombie.  
*Shire of BERWICK.* Alex. Hume Campbell.  
*Shire of BUTE and CATHNESS.* Brig. Peter Campbell.  
*Shire of CLACKMANNAN and KINROSS.* James Ereskine.  
*Shire of CROMARTIE and NAIRN.* John (a) Campbell, Alex. Brodie, of Deatham.  
*Shire of DUMFRIES.* Charles (b) Ereskine.  
*Shire of DUNBARTON.* Col. Charles Campbell.  
*Shire of EDINBURGH.* Robert (c) Dundas, Sir Charles Gilmour, Bart.  
*Shire of ELGIN.* Alex. Brodie, of Brodie.  
*Shire of FIFE.* Sir John Anstruther, Bart.  
*Shire of FORFAR.* Hon. Thomas (d) Lyon, Hon. Col. William Maule.  
*Shire of HADDINGTON.* John Cockbourn.  
*Shire of INVERNESS.* Sir James Grant, Bart.  
*Shire of KINCARDIN.* John Falconar.  
*Shire of KIRCUDBRIGHT.* Patrick Heron.  
*Shire of LANERK.* Lord Wm. Hamilton, died, Sir James Hamilton, Bart.  
*Shire of LINLITHGOW.* Alexander Hamilton.

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(u) Succeeded to the Title of Visc. Windsor (Irish,) and Lord Montjoy (English.) (x) Succeeded his Father as Viscount Hereford. (y) Made a Lord of the Admiralty, and re-chosen. (z) Made his Election for Stirlingshire. (a) Made his Election for Pembroke. (b) King's Advocate, 1000 l. (c) Made a Lord of the Session. (d) Succeeded his Brother as Earl of Strathmore.

*Shire of ORKNEY and ZETLAND.* Col. Robert Douglass.

*Shire of PEBBLES.* Sir James Nasmyth.

*Shire of PERTH.* Lord John Murray.

*Shire of RENFREW.* Alexander Cunningham.

*Shire of ROSS.* Hugh Rose.

*Shire of ROXBURGH.* John Rutherford.

*Shire of SELKIRK.* John Murray.

*Shire of STERLING.* Sir James Campbell.

*Shire of SUTHERLAND.* James Saint Clair.

*Shire of WIGTOWN.* Hon. William Dalrymple.

## ROYAL BURGHS of SCOTLAND.

*Edinburgh.* Patrick Lindsay.

*Kirkwall, Weeke, Tain, Dingwall.* Sir Rob. Munro, Bart.

*Fortrose, Inverness, Nairne, &c.* Duncan (e) Forbes, Duncan Urquhart.

*Elgin, Cullin, Bamff, &c.* William Steuart.

*Brechin, Aberdeen, Montrose, &c.* John Middleton, *died*, John Maule.

*Forfar, Perth, Dundee, &c.* John Drummond.

*Craik, Anstruther, Pittenweem.* Maj. Gen. Philip (f) Anstruther.

*Kinghorn, Dysart, Kirkcaldie, &c.* Thomas Leslie.

*Innerkithen, Culter, Stirling, &c.* Capt. Peter Halket.

*Rutherglen, Glasgow, Renfrew, Dunbarton.* Wm. Campbell.

*Selkirk, Peebles, Lanerk.* Hon. James Carmichael.

*Haddington, Dunbar, Jedburgh.* James Fall.

*Dumfries, Kirkcudbright.* Char. (g) Areskine, Wm. (b) Kirkpatrick, Sir Robert Laurie, Bart.

*Wigtown, New Galloway, &c.* Col. James (i) Steuart.

*Rothsay, Air, Irwin, Inverary.* Col. James (k) Steuart.

(e) Made Lord President. (f) Lieutenant-Governor of Minorca, and Colonel of a Regiment of Foot, 1000 l.

(g) Made his Election for the Shire of Dumfries. (h) Made one of the principal Clerks of the Session. (i) Of Baillieshir.

(k) Of Torrence.

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